

THE VICTORIA INSTITUTE



Education at the Heart of the Children's Court

Evaluation of the Education Justice Initiative Final Report

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EDUCATION AT THE HEART OF THE CHILDREN'S COURT

EVALUATION OF THE EDUCATION JUSTICE
INITIATIVE

FINAL REPORT

DECEMBER 2015

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Acknowledgements

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About

The Victoria Institute

The Victoria Institute is a research unit with a focus on inclusive education. We work collaboratively with a range of government departments, policy makers, philanthropic organisations and community groups to improve educational experiences and outcomes for all.

Well placed within Victoria University, The Victoria Institute has social justice as a key focus. Our targeted research program aims to build better learning and greater participation and success for students from diverse and disadvantaged backgrounds as well as those who are disengaged or excluded. This includes the group of young people targeted by the Education Justice Initiative, whose life and school experiences can affect their participation and success in education.

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Abbreviations

| | |
|--------------|--|
| ABS | Australian Bureau of Statistics |
| DEECD | Department of Education and Early Childhood Development, Victoria (changed to DET in 2015) |
| DET | Department of Education and Training, Victoria |
| DHS | Department of Human Services, Victoria (changed to DHHS in 2015) |
| DHHS | Department of Health and Human Services, Victoria |
| EJI | Education Justice Initiative |
| MCC | Melbourne Children's Court |
| PYJP | Parkville Youth Justice Precinct |
| RTO | Registered Training Organisation |
| TAFE | Technical and Further Education |
| VCAA | Victorian Curriculum and Assessment Authority |
| VCAL | Victorian Certificate in Applied Learning |
| VCE | Victorian Certificate of Education |
| YJ | Youth Justice (part of DHHS) |

Executive Summary

Background

Every year over a thousand young people appear before the Criminal Division of the Victorian Children's Court. These young people typically have experienced significant social and personal challenges in their life, and tend to have a history of poor school experiences and be partially or entirely disengaged from education. Improving the educational attainment and inclusion of young people who offend has been identified as one of the most effective means of reducing the risk factors associated with criminal behaviour. The Education Justice Initiative (EJI) was established in this context, commencing in September 2014.

The Education Justice Initiative (EJI) is funded by the Department of Education and Training (DET) to address educational disadvantage among young people involved in the youth justice system in Victoria. The initiative is managed by Parkville College, the school operating in all the Department of Health & Human Services (DHHS) secure services. The DET funding for the EJI included an allocation to support an independent evaluation. This has been conducted by researchers from the Victoria Institute for Education, Diversity and Lifelong Learning at Victoria University (VU). The VU researchers worked collaboratively with EJI staff in order to answer the following research questions:

1. Who are the young people who are supported through the EJI, in terms of background demographics and previous schooling experiences?
2. How does the EJI operate in order to re-connect young people appearing before the Children's Court with education?
3. What is the value of the EJI: what outcomes and benefits does the EJI achieve for young people and for other stakeholders?

Young people supported by the EJI

Between September 2014 and June 2015, over 950 individual young people appeared in the criminal division of the Melbourne Children's Court. Of these, the EJI had contact with almost half: about 450 young people. The EJI worked closely with a cohort of 103 young people to support their re-engagement in education. Among these EJI clients 70% were aged 12-16, and therefore of compulsory school or participation age. Information about the young people's previous school experiences confirms that disrupted schooling and disengagement from education was common. When the EJI commenced work with them:

- 70% had four or more previous enrolments in Victorian schools.
- 39% (N=27) of young people of compulsory education age (12-16 years old) were not enrolled in any education setting when the EJI started working with them.
- 43% of clients of all ages who were enrolled, had not attended a single day in the previous month.
- 38% of clients of all ages had been out of school for more than six months.
- Self-reported reasons for disengaging from school highlight behavioural issues, conflict with peers, poor attendance, and family issues.

The work of the EJI

For the majority of young people the EJI worked with, considerable effort is required to re-engage them with education. EJI involvement with a client varies from a few weeks to many months. The work of the EJI focuses on the identification of potential EJI clients as well as liaison with the young person, education providers and Court and DHHS staff.

Identification:

- This includes talking with young people on the floor of the Court (outreach); attending Court matters; discussion with Youth Justice, Legal Aid and case workers; and using Court and enrolment data.
- 33% of identification comes from outreach by EJI staff and 64% of identification from referrals.

Liaison with young people:

- This includes speaking with young people about their previous education and preferences for re-engaging with education, as well researching education options for them, and talking with parents or guardians and with Youth Justice, lawyers and support workers on behalf of the young person.
- In addition, liaison with young people also includes informal conversations, providing general advice, and connecting them with a range of other services.

Liaison with education providers:

- This includes determining the young person's designated local neighbourhood school or most recent school, discussions with potential education providers, setting up and attending school re-engagement meetings, and conversations with DET central or regional office staff.
- The most recent education setting was a government school for 70% of clients.
- The most common preferred future options expressed by young people are enrolment in a flexible learning school (44%) or enrolment in a new school (30%).
- For 70% of young people more than one provider was contacted.
- For 48% of young people it took more than 2 weeks to set up an engagement meeting, due to difficulties in contacting and working with education providers.

Liaison with Court and DHHS staff:

- Registrar's lists and conversations with the Court Advisors for Youth Justice, Victorian Legal Aid lawyers and Victorian Aboriginal Legal Service provide vital information to support the EJI.
- EJI staff attended and supported most Koori Court sittings in Melbourne, Heidelberg and Dandenong.
- EJI staff provide information to Court and Youth Justice (DHHS) staff about the role of the initiative, regarding possible education or training options for individual young people, and about the education system more broadly.

The value of the EJI

The research has demonstrated that the Education Justice Initiative has substantial value for young people and their families, and for the stakeholders organisations: the Children's Court, Department of Health and Human Services and its division of Youth Justice, and the Department of Education and Training.

Accounts directly from young people and parents as well as from Youth Justice and Court staff highlight that the EJI is enabling young people to access education when previous efforts had failed, and meets their needs of accessing an appropriate education option.

- 100% of the cohort of 103 EJI clients expressed their willingness to engage with education.
- 75% of the 68 full clients were successfully re-connected with education, mostly in a new setting.
- Between first point of contact with the EJI by full EJI clients (N=68) and 30 June 2015:
 - the proportion with a formal enrolment increased from 51% to 75%,
 - the proportion of young people who were enrolled who attended increased from 9% to 54%,
 - the proportion with moderate or high attendance increased from 3% to 42%.
- These outcomes were achieved due to the EJI's specialist knowledge about education providers, policies and procedures as well as the EJI accessibility for young people, families, Court and Youth Justice staff and the commitment and cultural sensitivity of the EJI staff.
- The EJI has raised the reputation of education with the Court, DHHS, and young people's families.
- There are anecdotal indications that the EJI can help divert young people from being remanded in custody as well as, in the longer term, improve rehabilitation and reduce recidivism.

Recommendations

The key message from the research is that the EJI fulfils a vital service within the Children's Court, most importantly for young people, but also for the Court, Youth Justice and the DET. In its first year, the EJI has established productive processes for working with all its stakeholders and secured education's seat at the table. Stakeholders also note some complications for the work of the EJI as well as making suggestions for the future of the EJI. The research leads to the following recommendations:

1. That the Education Justice Initiative be supported to continue its work within the criminal division of the Melbourne Children's Court and the Koori Courts.
2. That EJI staff document their operating procedures in a practice manual or similar document.
3. That EJI, DET, Court, and Youth Justice staff continue to collaborate re. communication with new staff, processes, and availability of information, to further enhance the effectiveness of the EJI.
4. That options are explored for extending the EJI into the family division of the Melbourne Children's Court.
5. That consideration be given to how EJI can work with the Navigator initiative to be established by DET as part of the Education State agenda.
6. That expertise and practices in existing similar initiatives across Victoria are shared, and that options are explored for establishing such an initiative in areas where none exists.
7. That evidence continues to be gathered in relation to the outcomes achieved by the EJI for young people and other stakeholders, including in relation to diversion and rehabilitation.

A preview of stakeholder thoughts

“I can’t speak highly enough of the importance of this program, not just for Koorie children, but for all children who come before the Court because almost without exception they’re either totally or partly disengaged from education. ... I strongly believe that education is arguably the most important form of rehabilitation.”

(Judge Couzens – former President, Children’s Court of Victoria)

“I was in Court one day, and I got referred to the education thing. They helped me out in my schooling, to get into the course. It was building and construction for three months. ... I have completed something at least. Something I actually enjoy doing instead of wasting my time.”

(Young Person)

“I think there are profound benefits for all the young people involved in the program and the comparison between no specialist service, nobody to link in and negotiate within the Department of Education, the contrast is incredible.”

(Magistrate)

“The EJI person was short and sweet. They didn’t carry on and jargon on. They just said it how it was and left it at that. Then two or three days later, bang. Well, ‘this is where I’m at and this is what I’m doing’ and then before you knew it, in one week, she was getting her uniform, she’s going, and I’m like, ‘whoa’!”

(Parent)

“The presence of the Department of Education and Training, through the EJI staff, in the Court building highlights and promotes the positive role that education can and should play for all young people.”

(Judge Chambers – current President, Children’s Court of Victoria)

1 INTRODUCTION

This is the final report from the evaluation of the Education Justice Initiative (EJI), a project funded by the Department of Education and Training (DET) to address educational disadvantage among young people involved in the youth justice system in Victoria. The initiative is managed by Parkville College; the school operating in all the Department of Health & Human Services (DHHS) secure services. The project included funding to support an independent evaluation. Parkville College engaged researchers from the Victoria Institute for Education, Diversity and Lifelong Learning at Victoria University (VU) to conduct the evaluation.

1.1 Young Victorians, justice and education

Every year over a thousand young people appear before the Criminal Division of the Victorian Children's Court. The Children's Court of Victoria is a specialist court with jurisdiction under the Children, Youth and Families Act 2005 (Vic) to hear cases involving children and young people up to the age of 18 years and in exceptional cases over 18 years. In 2013-2014, 10,839 criminal matters were finalised in the Children's Court of Victoria, 2,189 of these at the Melbourne Children's Court (Children's Court of Victoria, 2015). These numbers are significant. However, one young person may have multiple 'matters', so this number does not represent the number of individual young people appearing at Court. During the first year of the EJI the most common types of charges for which young people appeared in the Court were property offences (80%) and offences against a person (45%).

Young people involved with youth justice typically have experienced significant social and personal challenges in their life. A 'snapshot survey' in September 2014 by the Department of Human Services of 165 young people in remand and sentenced detention (Youth Parole Board, 2015, p.13) found:

- 43% had previous child protection involvement
- 19% had a current child protection order
- 62% were victims of abuse, trauma or neglect
- 87% have a history of alcohol and/or drug misuse
- 33% presented with mental health issues
- 23% had a history of self harm or suicidal ideation
- 22% presented with issues concerning their intellectual functioning
- 9% were registered with Disability Services
- 10% were parents.

Of particular relevance, young people appearing before the Children's Court of Victoria tend to have a history of poor school experiences and are either partially or entirely disengaged from education (Youthlaw, 2012). The same snapshot survey (see above) found that 58% had been suspended or expelled from school.

The Victorian Auditor-General (2008, p.v) commented that: “Offending by young people stems from a range of problems such as family dislocation, alcohol and substance abuse, poor educational outcomes and limited employment opportunities”.

All young Australians have both a right and an obligation to engage in schooling. Australia has ratified the United Nations (1989) Convention on the Rights of the Child, which outlines the right of all children to education that is directed towards the development of their personality, talents and abilities. In Victoria, The *Education and Training Reform Amendment (School Age) Bill 2009*, increased the minimum school leaving age to 17. Since 1 January 2010, all Victorian students must complete Year 10. After Year 10 and until the age of 17 students must be enrolled in school or training, or be employed, or a combination of those, for at least 25 hours per week. Further to this a child of compulsory school age is entitled to be enrolled at his or her designated neighbourhood Government school. Although Government Schools can expel a student, if the student is under age 17 the school and education department are responsible for ensuring transition to another school or Registered Training Organisation, or job (Youthlaw, 2014). Despite these rights and obligations, the Victorian Government (2015, p. 21) reports that, “Each year, approximately 10,000 young people in Years 9-11 leave their school and do not go on to any other Victorian education or training provider”.

A young person’s future life opportunities are heavily influenced by participation in education. Those young people who do not complete school tend to be significantly more disadvantaged later in life (Te Riele, 2014; Woolley & Brown, 2007). Specifically, improving the educational attainment and inclusion of young people who offend has been identified as one of the most effective means of reducing the risk factors associated with criminal behaviour (France et al, 2013; McLaren, 2003; Reid, 2009; Vacca, 2004).

The Department of Education and Training has a wide range of policies and programs aimed at supporting children who are or are at risk of disengaging from school. Youth Justice, through the Department of Health and Human Services, offers support programs and case management pre-sentencing, pre-release, transition and post-release support programs to reduce their risk of re-offending (Department of Human Services, 2013). These valuable options from both departments unfortunately do not always intersect to enhance education for children and young people who appear before the Children’s Court. The General Manager of Operations and Strategy for the Children’s Court, argues:

I’ve been in this Court for five years now and we have had various attempts along the way to engage better with the Department of Education. ... their cohort is our cohort and it was always recognised that the Department of Education and the Court should work more closely together.

The Education Justice Initiative (EJI) is evidence of such collaboration, in order to support connections with education for young people appearing at the Melbourne Children’s Court and the Melbourne, Heidelberg and Dandenong Koori¹ Children’s Courts.

¹ Please note: We adopt the official spelling of ‘Koori Court’, but otherwise use the preferred spelling in Victoria of ‘Koorie’. E.g. see: <http://www.vaeai.org.au>

1.2 History of the Education Justice Initiative

The Education Justice Initiative (EJI) was established in response to the concerns outlined above about the connection between educational disengagement and appearing before the Children's Court. The EJI is a collaborative pilot program of the Department of Education and Training (DET) and the Children's Court of Victoria, and is managed by Parkville College, the school operating within DHHS Secure Services. These settings include the Parkville and Malmsbury Youth Justice Centres. It was initially established for one year, from Term 3 2014 to Term 2 2015 (inclusive). As Judge Couzens, the previous President of the Victorian Children's Court explained, the initiative had its genesis in interactions he had in late 2013 at an Aboriginal Justice Forum in Melbourne:

Richard Bolt, who was then Secretary of the Department of Education and Early Childhood Development, presented at that conference, the first time education had been seen at the Aboriginal Justice Forum for many years, and if I could put it this way, he was an outstanding hit During a question and answer session I asked him whether education could be represented at sittings of the Koori Court throughout Victoria. Most of the Koorie children who come before the Court are either totally or partially disengaged from education, and we felt it was very important from the point of view of their rehabilitation that they become re-engaged, and the best way of doing that was to have education present at the Court.

The development of the Education Justice Initiative evolved quickly, launched less than a year after that conversation and extending to include non-Indigenous children. This expeditious progress was enabled by building on work by the Youth Partnership Secretariat in the Department of Education and Early Childhood Development as well as existing positive links between staff from the Court, Youth Justice and Parkville College.

EJI is one of several initiatives and roles established in recent years within the Department of Education and Training to support educational re-engagement of young people involved with the justice system. These include the Children's Court Education Liaison Officer in Morwell/Latrobe Valley, Children's Court Educational Pathways Officer in Mildura/Swan Hill, and Education Brokers in the Geelong/Barwon and Ballarat/Grampians areas. EJI and these roles share similar goals, but have been developed and implemented largely independently of each other and thus differ somewhat in their focus. For example, one works with young people up to age 25 appearing in either the Children's Court or Magistrates Court; others support young people from both the youth justice and child protection divisions of the Court.

This evaluation is focused only on the Education Justice Initiative and does not cover the other regional initiatives outlined above.

The aim of the EJI is to connect young people appearing before the Melbourne Children's Court (Criminal Division) or the Dandenong, Heidelberg and Melbourne Children's Koori Court to an appropriate, supported education pathway through liaison and advocacy with schools and training providers, and engagement with relevant DET Regional staff. Three staff work directly in the EJI to engage with young people. This may be initiated through direct outreach by these staff in the Children's Court, or through referral from Youth Justice, Legal Aid, the Koori Court Officer or one of the Magistrates presiding at the Court.

Upon identifying young people appearing in Court who are not attending and/or not enrolled in education or training, staff from the EJI will:

- Speak with the young person and support services as appropriate about their education history, experiences of school, willingness to engage in education and preferences for school or other setting.
- Liaise with their most recent or local neighbourhood school (or alternative setting as appropriate) to reconnect them with an education, and appropriate support services within the education system.
- Provide information and advice to the Court and relevant services such as Youth Justice regarding possible education or training options for individual young people and about the education system more broadly.
- Seek advice from schools/education settings on the engagement/progress of a young people who have been referred by Education Justice Initiative.

The role of the EJI thus is an information, referral and advocacy service focussed on linking vulnerable young people back into the education and training system. The EJI works in collaboration with existing supports in the education system as well as community based supports such as Youth Justice. The pro-active presence of the program highlights DET commitment and promotes the role of education in the planning for young people before the Court. It is symbolic that the education office is located between the legal aid and the Victoria Police Prosecutors' office, and across the hall from the Youth Justice office.

1.3 The research

The Department of Education and Training provided pilot funding to Parkville College to implement the Education Justice Initiative at the Children's Court. The DET funding explicitly included an allocation to support an independent evaluation. Parkville College engaged researchers from the Victoria Institute for Education, Diversity and Lifelong Learning at Victoria University (VU) to conduct an independent evaluation of the Education Justice Initiative. The VU researchers worked collaboratively with EJI staff in order to answer the following research questions:

- **Who** are the young people who are supported through the EJI, in terms of background demographics and previous schooling experiences? (see Chapter 2)
- **How** does the EJI operate in order to re-connect young people appearing before the Children's Court with education? (see Chapter 3)
- **What is the value** of the EJI: what outcomes and benefits does the EJI achieve for young people and for other stakeholders? (see Chapter 4)

The research gathered three core sets of data:

| | |
|------------|---|
| Data set 1 | Brief information from case notes about all contacts the EJI team had with young people in the Courts. |
| Data set 2 | More detailed information from case notes about young people who are 'full clients' of the EJI from reflections on processes by the EJI staff. |
| Data set 3 | Interviews with key stakeholders to gain their perspectives on the EJI, including 7 DET staff (including EJI staff), 7 Court staff, 4 DHHS Youth Justice staff, 3 young people and 2 parents. |

The VU researchers worked collaboratively with EJI staff for the data collection and analysis, however the findings presented here have been established independently by the VU researchers. The research team applied for ethics approval to the Victoria University Human Research Ethics Committee for all stages of the research (applications HRE14-290, HRE14-291, HRE15-018) and to the Victorian Department for Education and Training for data set 3 (2015_002716). All applications were approved. Specific attention has been paid throughout the project to maintaining confidentiality for the young people. Any identifying information about young people was removed from data sets 1 and 2 by EJI staff before sharing this data with VU staff. For the interviews (data set 3) confidentiality has been approached in two ways:

- For young people, parents, and most staff: Before the interview the VU researcher explained that we refer to their role (e.g. young person, Court staff) and that this will inevitably reduce the level of confidentiality (especially for people inside their own organisation or an agency that works with them) even though we do not use their names in the report. Pseudonyms have been assigned to young people and parents. Staff are referred to by their role.
- For participants whose identity cannot be concealed due to their unique role or who chose to be named: Upon sending the interview transcript, the VU researcher reminded the participant they can request changes to the way they have expressed themselves. They could also request certain parts of the text not be used at all, or to be used only for general analysis but not for quoting in publications. For these people, we have chosen only to refer to their role, and not their name. The exceptions are Judge Couzens and Judge Chambers, in order to avoid confusion and due to their high profile. Judge Couzens was President of the Victorian Children's Court at the start of the research, with Judge Chambers taking over this role in June 2015.

In addition to confidentiality, the research team took care to ensure that all participants in data set 3 were able to provide voluntary and informed consent to taking part in the research; and to ensure particular cultural sensitivity in relation to Indigenous participants with support from the EJI Manager for Koorie Student Engagement.

Data sets 1 was created as a spread sheet and analysed using Excel tools for descriptive statistics. All other data was of a qualitative nature and analysed thematically (Braun and Clark, 2009; Miles and Huberman, 1994). This was supplemented with specific narratives based on long interviews with EJI staff, providing richer insights into the experiences and outcomes from the EJI. The first of these narratives appears on the next page.

A Door with 'Education' on it

“

It has always struck me that the group of clients who have a relationship with child protection through the family division, are often the same kids who find themselves in the criminal division. There's a really strong overlap there. In that time of your life when you should be developing a sense of independence, adolescence, and with skills that allow you to form future relationships and so on, these kids are really in this lonely task of survival. Because the carers and the parents in their lives have not done what they should have done for them, they've been largely let down and they've experienced significant trauma. Trauma and poverty are the really strong themes that feature for children at Court.

And you can't build a solution without looking at education. The whole Education Act talks about a compulsory school age, and places demands and expectations on the State to deliver in this realm. Child protection, Out Of Home Care, the Courts and custodial institutions – they are the places where you will find the challenges in the system. The Magistrates see day after day, client after client, telling really similar stories about disengaging from school at primary level. And they are frustrated and think 'well, but why has it taken this long?'

Even just for us to have a room with the word 'Education' written on it, and a direct role for our Department inside the Court, saying 'we take this seriously, we're going to be part of the solution'. We're saying to the community and the Court users and the Magistrates and the children that the Department of Education sees it as valuable and important to be here. These are the kids who need a good sound education more than anybody.

”

(EJI Staff, edited excerpt)

2 YOUNG PEOPLE

Young people involved with the Melbourne Children's Court tend to have experienced a range of personal, social and educational disadvantages (see chapter 1). Some of this background information is of a sensitive nature, and was not collected for this research project. Nevertheless, it is likely that such experiences are shared by the young people who the EJI works with.

In this chapter, we provide insights into broad, demographic-type, descriptions of the EJI cohort, as well as into their previous education experiences. First, however, we give an overview of the number of young people the EJI has worked with.

2.1 Number of young people

Counting the number of individual young people who appear before the Melbourne Children's Court criminal division is complex. The 'Registrar's listing of cases' records the names of the young people with matters before the court on each sitting day, but not all these young people may attend court. For instance, if they have successfully completed a diversion program directed by the court they are not required to attend. Furthermore, some young people may be required to attend court on multiple occasions until all matters are finalised.

By manually counting individual young people on each Registrar's list the EJI estimates that between September 2014 to June 2015, approximately 966 individual young people had matters listed in the criminal division of the Melbourne Children's Court. The EJI had contact with almost half of these young people (about 450). It worked directly with 103 young people (full clients and on hold, see below) and in addition provided advice to at least 50 young people and/or their support persons in court:

Full Clients: 68 young people. The EJI is actively supporting the young person's re-engagement in education.

On hold: 35 young people. The EJI began to support the young person's re-engagement in education but due to circumstances (e.g. inability to contact the young person) active EJI involvement has been put on hold. Some of these young people may subsequently return to being a full client.

Advice: 50 young people and/or their support persons. The presence of the EJI in the Court has led to general requests for advice from a young person and/or their support persons, especially for assisting re-engagement in education. Often this advice was all the young person needed. For others, the young people may subsequently become a full client.

In addition to the 153 above, EJI staff had some contact with approximately 300 other young people, who were not engaged further due to the following reasons:

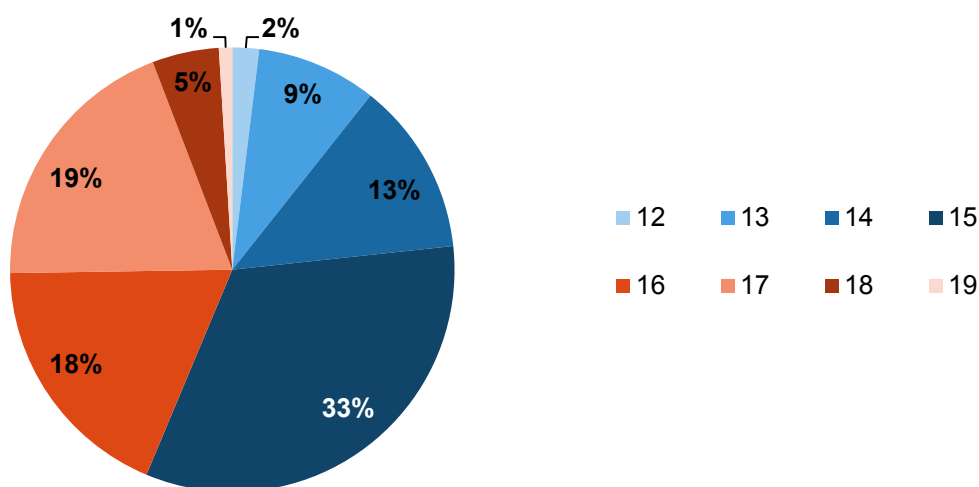
- the young person did not want assistance or a plan was already in place to re-engage in education (n=80).
- the young person was already engaged in school or training (n=190)
- the young person reported they were working and did not need assistance (n=20)

For the remainder of this chapter, quantitative data is based on 103 young people the EJI worked with directly: 68 full clients plus 35 young people for whom active involvement of the EJI had been put on hold.

2.2 Demographic information

The criminal division of the Children's Court works with children and young people between the ages of 10-17, as well as some 18 year olds who were charged before they turned 18. Among the young people in the EJI cohort reported on here (see section 2.1) there was nobody aged 10 or 11, and only two 12 year olds. The most common age was 15 (see Figure 2.1). 71 % of the EJI clients were male, which aligns with the Court statistics showing that in the same period three quarters of the young people in the criminal division were male (Melbourne Children's Court, 2015).

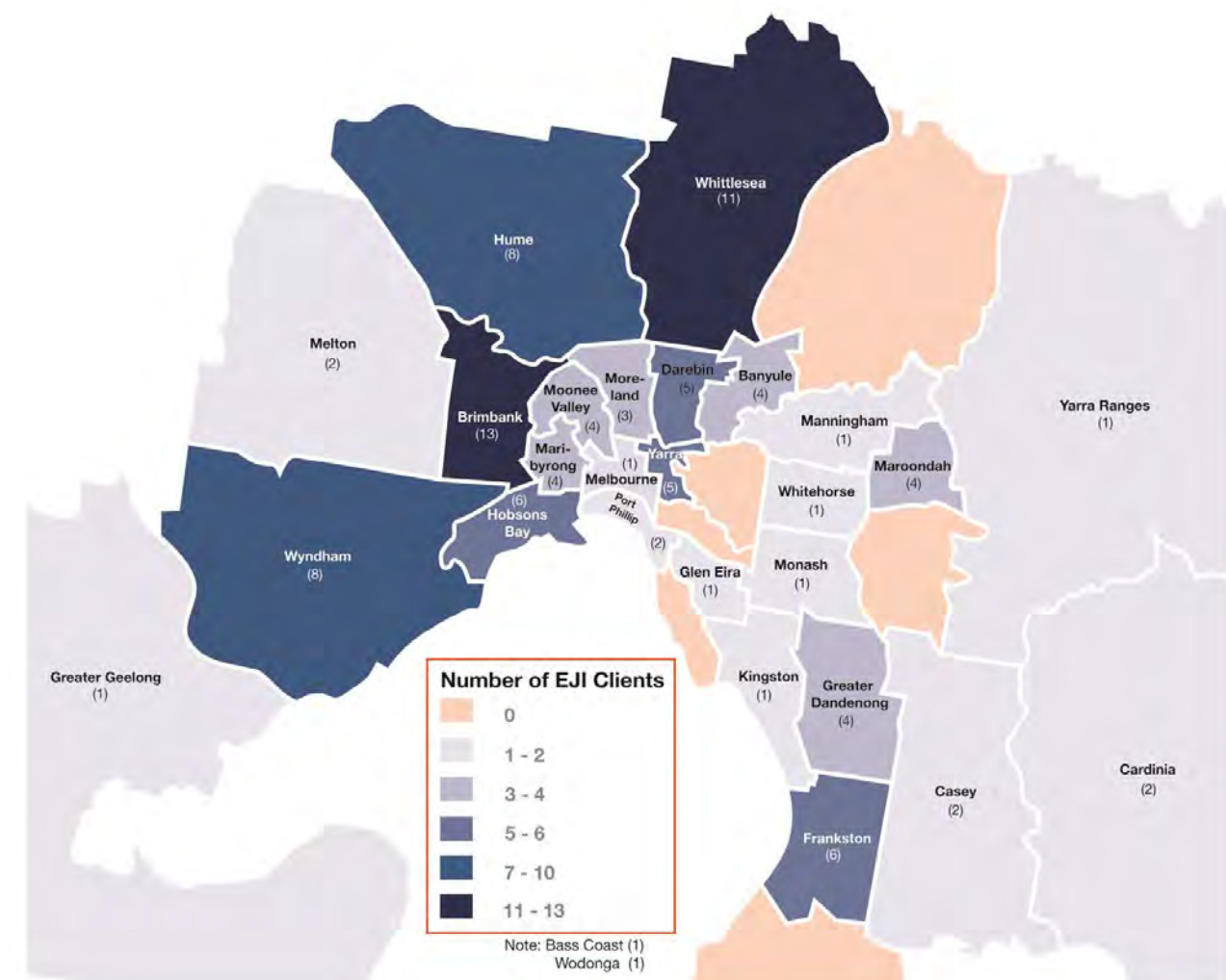
Figure 2.1. Age of EJI clients (% , N=103)



The main location for the Children's Court is in the Melbourne CBD. In addition, there are metropolitan Courts in 9 suburbs around Melbourne. Children will normally appear before the Court nearest to their place of residence or the place where the offence is alleged to have been committed, unless transferred to another venue as agreed by all parties. Country Courts in regional Victoria also occasionally host Children's Court and Koori Court sessions, but these were not part of the EJI pilot.

The core cohort of EJI clients discussed here all appeared before Court at the Melbourne CBD location. Figure 2.2 shows that these young people came from all around Melbourne, with the north and west particularly strongly represented. There is some overlap here with postcodes identified by Vinson and Rawsthorne (2015) as having the most concentrated social disadvantage, such as for Brimbank and Hume. They comment, however, that in Victoria, youth offending was not a major indicator of disadvantage.

Figure 2.2. Location of EJI Clients (Local Government Area) (N=103)



The genesis of the EJI lies in the recognition of the particular needs of young Koorie people in the justice system (see section 1.2). It is well established that Indigenous youth are over-represented in youth justice (Youth Parole Board, 2014; Grant, 2009; Australian Institute of Health and Welfare, 2014). For these reasons, the EJI collected data as reported by the young person or family that they identify as Aboriginal or Torres Strait Islander. The EJI also recorded information about ethnic diversity, in terms of culturally and linguistically diverse (CALD) background. This is based on interactions with young people, their family and/or their support workers. Keeping accurate data in these areas proved difficult for the following reasons:

- The EJI staff have a brief window of time in which to meet young people and gain an understanding of their often complex situation.
- The young person/family may not always disclose to EJI staff members their cultural background. EJI staff will only record this data if explicitly told by the young person or family member. It is important that EJI staff do not pressure young people for information as the staff need to build a continuing relationship. Equally important for accuracy of data is not to record status unless reported.
- Currently no accurate records are kept by the Melbourne Children's Court to indicate if a young person identifies as Aboriginal or Torres Strait Islander and/or from a culturally and linguistically diverse background.

Of the 103 clients, 15% (16 young people) explicitly identify as Aboriginal or Torres Strait Islander. Of these, seven young people had elected to have their matter heard in the Koori Court (for more information see section 3.5). The Education Justice Initiative had a presence at almost all Koori Court sittings at the Melbourne and Dandenong Children's Courts. The EJI represented education for all young people at those sittings, spoke with each young person, and provided advice and support where necessary. However, the number of clients engaged from Koori Court is relatively few. This could be attributed to young people already being engaged with a number of support workers from services including Whitelion, Bert Williams Aboriginal Youth Services (BWAYS) and Youth Justice. In such cases the EJI would not seek to add yet another worker to the young person's life but rather work with the existing services to gain the best outcome for the young person. An EJI staff member explains the relatively low proportion of EJI clients who identify as Indigenous: "to get to the Koori Court you have got to have a suite of services already in play, so it's easier for them to go like 'We've got this sorted'."

The ethnic background of young people in youth justice has received less attention in reporting than Indigenous background. The Youth Parole Board annual report (2015) includes information that 14% of young people sentenced to detention were from Maori and Pacific Island backgrounds, but does not refer to broader culturally and linguistically diverse (CALD) backgrounds. The term CALD emphasises the diverse and heterogeneous nature of ethnic diversity, beyond country of birth or first language.

Of the 103 clients (see section 2.1) 43% (45 young people) report to be from a culturally and linguistically diverse (CALD) background. Reflecting the Youth Parole Board annual report (2014), a significant proportion of these identified as Maori or Pacific Islander (17 young people) but they also included African (12), Middle Eastern (5), Asian (4) and European (4) young people.

From a parent perspective, Charlotte explained that the safety net in her home country helped to prevent youth offending, and she and her son (who was before the Court) missed this in Australia:

Back home, everyone is the 'parent' of the child. So if someone sees a child playing up on the street for instance, they would talk to the child, and they would then check in with the parents. ... The network around the child is what makes it okay and that failed me in Australia. ... And the institutions that are meant to help the child back on track don't do it.
(Charlotte – Parent)

The term "culturally and linguistically diverse" recognises that, as Charlotte testifies, cultural differences are as relevant as having English as a second (or third, fourth, fifth ...) language, in their impact on the social and educational experiences of young people from migrant backgrounds.

The majority of young people the EJI had contact with reported to be living with at least one of their parents (69%). A few said they were living with friends, other relations or with a partner. The EJI team worked with eleven young people residing in Out-of-Home Care, nine of these in residential care. Across Victoria, about 6500 young people are in Out-of-Home Care (OOHC), and of these about 7% of children and young people live in residential care (Department of Human Services, 2014). Children in OOHC are over-represented among those who appear in the criminal division of the Children's Court. Judge Couzens, then President of the Children's Court, expressed his sadness at their circumstances: "Some of them have come from residential care The reason for that is they've got no one who loves them or if they do, those people don't have the capacity to care for them".

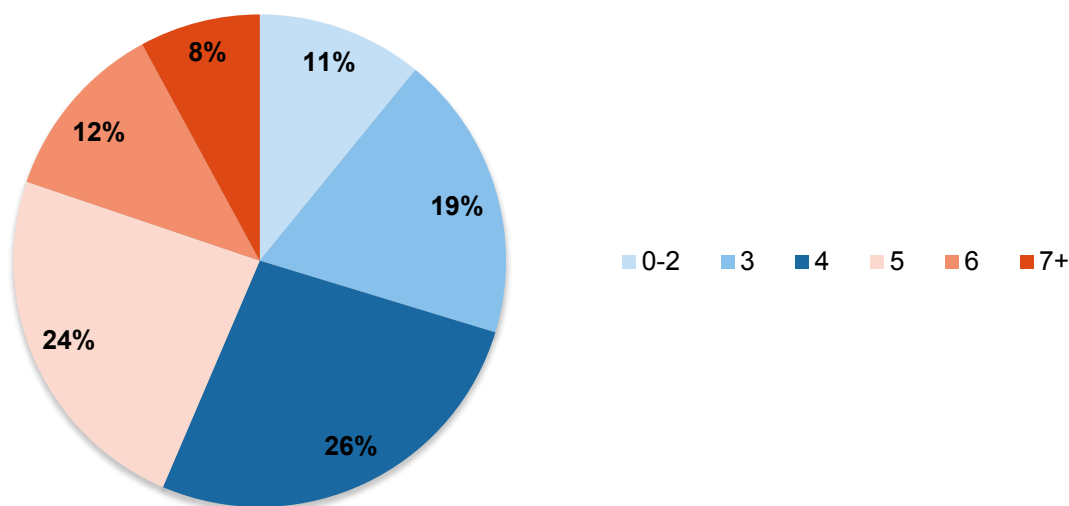
Recording young people's living arrangements is difficult because often the young people are transient and may move between family members. This contributes to their difficulties in school, as Mia, an EJI client, explains: "Just all over the place, a lot of dramas and all that. Going back and forth from parent to parent".

The data here is based on the living arrangements that were recorded at the first time of contact with the EJI. Information about living arrangements is critical to the EJI as place of residence determines which school is the local neighbourhood school, and also which other education providers are easily accessible (also see section 3.4).

2.3 Previous school experiences

In their contact with a young person, EJI staff aimed to find out as much as possible about their previous education experiences. This serves to inform the next steps to be taken in order to engage the young person with education. It also provides insight into the educational experiences these young people bring with them. Many young people had experienced relatively high mobility, which is associated with educational disadvantage and disengagement (eg see Skattebol et al, 2012). At age 12-18, one would expect most young people to have been enrolled at two schools (one primary and one high school). Among EJI clients, 19% had three previous enrolments, 26% had four, and 44% (44 young people) had five or more previous enrolments (see Figure 2.3). These numbers are based on Victorian enrolments only, as the EJI team accesses enrolment data through the Victorian Curriculum and Assessment Authority (VCAA) based on the Victorian Student Register. Since these results do not include enrolments interstate or overseas, they are likely to be an underestimation for some young people. For example, Oliver mentioned attending four schools in Victoria as well as a US Embassy school when his father moved overseas for employment.

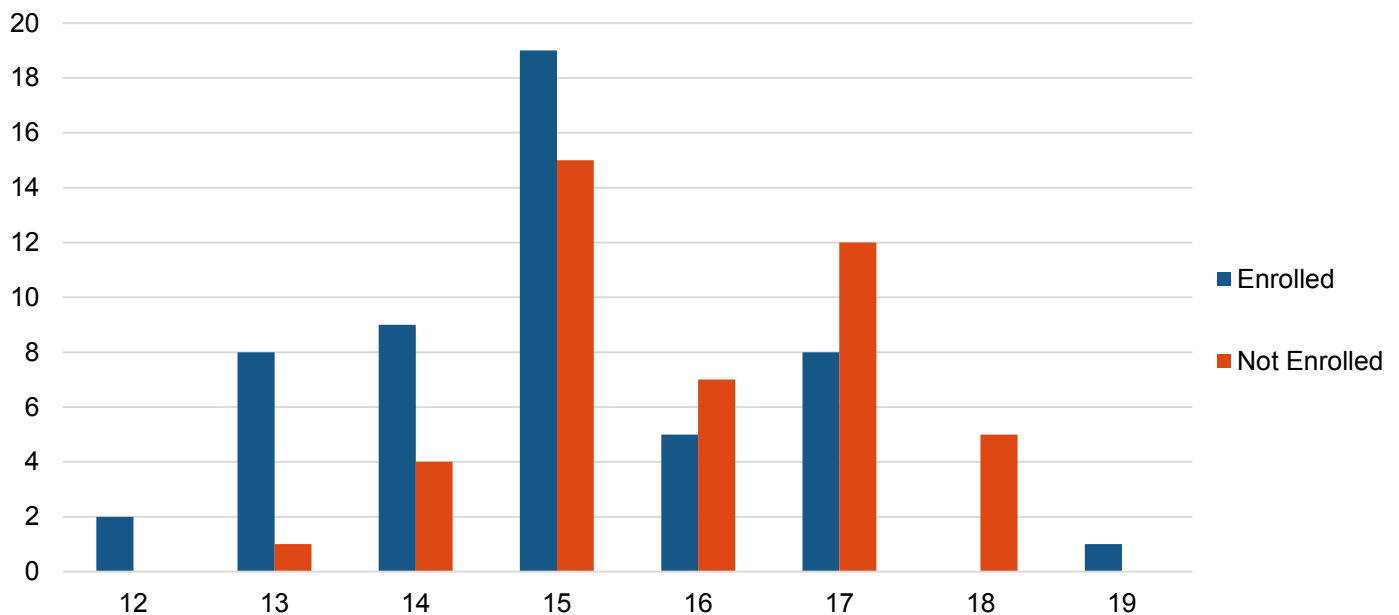
Figure 2.3. Number of schools attended* (% , N=101)



* Note: Victorian enrolments only, not counting enrolments interstate or overseas

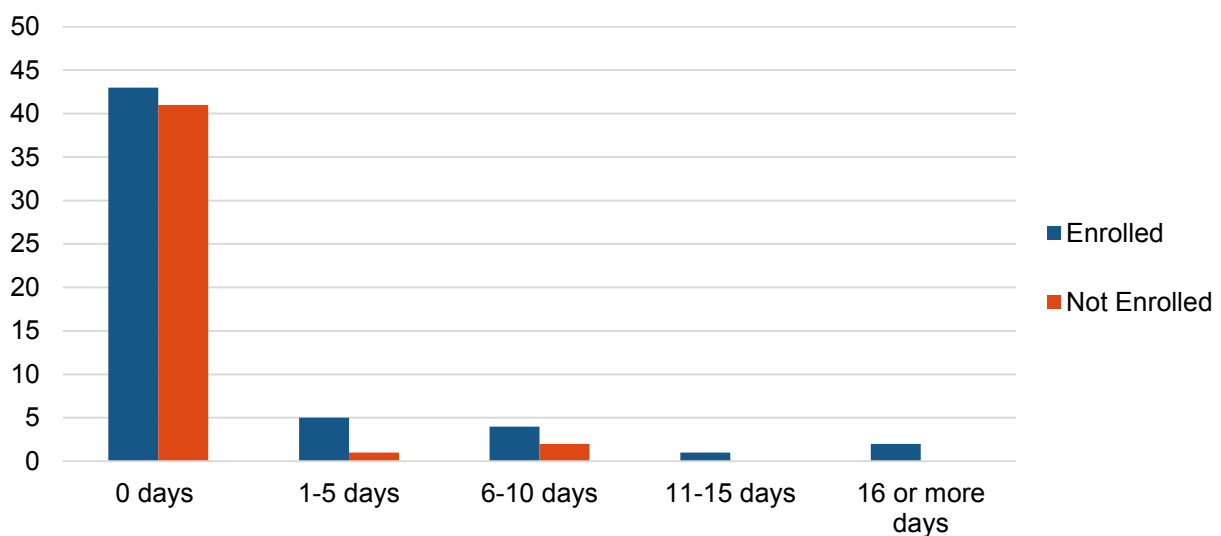
In Victoria, it is compulsory for young people to complete Year 10 schooling, and then to be in full time education, training and/or employment until they turn 17 (DET, 2013). We therefore would expect EJI clients to have a current education enrolment. However, 46% (or 44 individual young people) were not currently enrolled in any education setting. This includes 17-19 year olds (who are not legally obliged to be enrolled). Most, however, were of compulsory school or participation age: including four 14 year olds and one 13 year old (see Figure 2.4).

Figure 2.4. Age, by enrolment status (N=96)



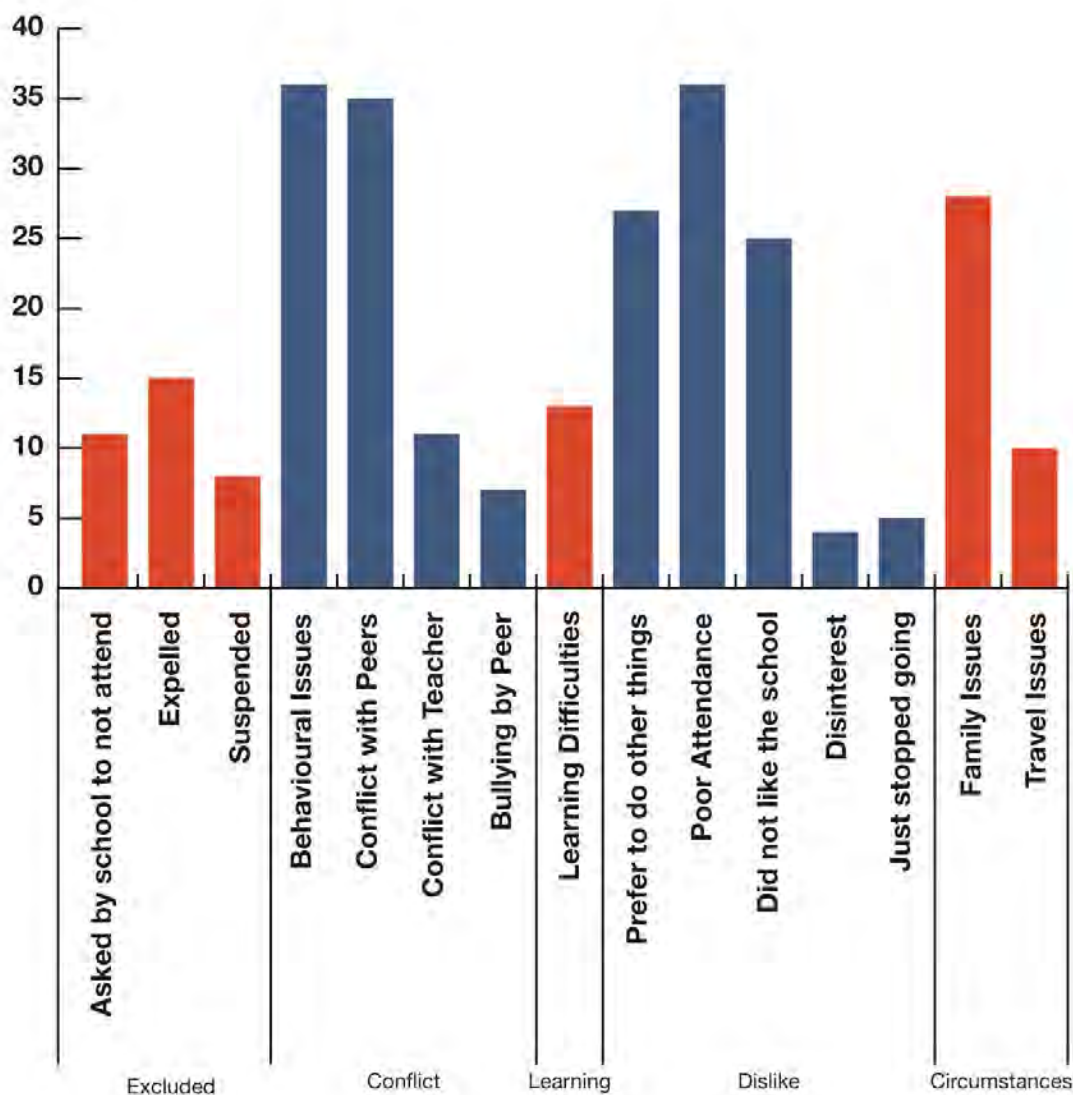
Also of concern is that many young people had been disengaged from education for a substantial period. One third (34%) had last attended school between 2 and 6 months ago, 17% between half a year and a year, and 21% (22 young people) had been out of school for more than one year.

Figure 2.5. Days attended school in the previous month, by enrolment status (N=99)



Examining their recent attendance, only five of the 55 young people who were actually enrolled in education had attended school in the week prior to meeting with EJI staff, and most of those only for a single day. When looking at attendance over the previous month we find that the vast majority of both those EJI clients who were enrolled, and those who were not, had not attended a single day of school in the month prior to meeting with EJI staff (see Figure 2.5). Of the fifteen young people who did have some attendance in the previous month, only two had attended more than 50%.

Figure 2.6. Reasons for disengaging from education (more than one reason per person possible)



As shown in Figure 2.6, there are many reasons young people report as contributing to disengaging from education. These reasons have been categorised into five distinct groups; excluded, conflict, learning, dislike and circumstances. These reasons are self-reported by the young person and most reported more than one reason. For example a young person may report they were expelled due to fighting with other students: this would be recorded both as 'expelled' and as 'conflict with peers'. Discussing the reasons for disengaging from education is an important part of the EJI's role as they inform an assessment of the most suitable education setting for the young person. The five sets of reasons are elaborated below.

Excluded

Young people can be excluded from school in a range of ways, with warnings and suspension sometimes having the effect of discouraging a child to attend. This was the experience for Lucas, who says he was suspended: “heaps of times when I was in Year 7, 8 and Year 9”. He reports that eventually he simply stopped going to school, during Year 10, when it “got too much”. EJI case notes show occasions where a young person was asked to leave but not formally expelled. Sometimes young people report that the school stated that it was a favour to the young person to not have another expulsion on their record. The corollary, however, is that without a formal expulsion the school is not required to support the young person to enrol elsewhere (Dixon, 2014). As a result, these young people may not attend anywhere although they still are formally enrolled at that school.

In his interview Oliver says that he was asked to leave during Year 9, and received a Year 9 pass (i.e. it was recorded that he officially passed the year), even though he had not completed the year. He says that the school told him they did not want him to have an expulsion on his record. Once he left that school, he ended up just staying at home for the rest of the year. Sometimes young people report they had been transitioned from a mainstream school to a short term training course, such as a certificate in construction. An EJI staff member explains this pathway is problematic because once they have been exited from a government school it is “difficult for them to return to that school”. Moreover, “they only get a certain number of chances to do a certificate”. This means that later they may not be able to enrol in a course at the same level (e.g. Certificate II) but in a different field. This example also highlights how past experiences and decisions by schools impact on the availability of future educational opportunities that the EJI can connect a young person with (also see Chapter 3).

Conflict

Conflict might involve altercations with staff and with peers, and may involve the young person at the giving and/or receiving end. Case notes mention a 14 year old who lived in an area with very limited school options, who had been in numerous incidents at the school and in conflict with peers. This student was not expelled but had no other school he could go to. As another example, Oliver explains: “I didn’t get into trouble much, but when I did, it was my own stubbornness”. He says he got into arguments with the school principal over matters of fairness. This kind of clash between students and school staff is a common thread in the previous school experiences of young people who attend flexible learning programs (Te Riele, 2006). After several arguments with the principal and a history of non-attendance, Oliver was expelled from that school.

Young people were also at the receiving end of conflict with peers. Mia reports being bullied in Year 7 by a Year 10 girls, and felt that the school “just did nothing about it”. Bullying is widely recognised as a challenge in many schools, and verbal and physical altercations usually are symptom of more significant underlying problems (Cross et al, 2011). When schools are unable to address these issues quickly or thoroughly (for example due to the myriad other challenges schools and teachers face), disengagement may be the result.

Learning

Learning difficulties may be both a reason for a young person to stop attending school, and a reason for them to behave in ways that lead to the school imposing various forms of exclusion (Firth and Cunningham, 2004). For example Lucas had experienced multiple suspensions over several years, and eventually stopped attending school. Lucas explained that he had difficulty learning, which led to him disengaging:

I've been to X College from Year 7 to Year 10 but I couldn't complete it because I had difficulty in learning, I guess. When it came to exams to sit at, I really didn't study or take notice of it and then I failed Year 10. And then Mum wanted me to go back to do it and that same year I stuffed up even more. ... I don't think I really done good at Primary School as well. (Lucas – Young Person)

EJL case notes describe a young person who had been enrolled in a special school in 2011-12 due to his mild intellectual disability. This may have been an appropriate setting for supporting his learning, but he explained he did not like it there and ended up leaving. In 2013 he was completely disengaged, not enrolled in any school, even though he was age fifteen. In 2014 he enrolled in a Certificate I in Building and Construction but left when he was told he would not pass – due to a combination of insufficient attendance and his struggle with literacy and numeracy. He was not enrolled anywhere in 2015. When he came to the EJL, he told the team he would like to do a pre-apprenticeship in automotive trades. It was difficult for EJL staff to ascertain if he would be capable of this, as they could not access any details about his intellectual disability and there was little information available from his previous schools.

Dislike

Although many young people told EJL staff about specific difficulties they had experienced, which were related to their disengagement, others expressed a general dislike for mainstream schools. For example, they commented that schools were too strict, that they didn't like the uniform, that school was boring, that they didn't want to go, and that the school just didn't suit them. Mia describes her previous school: "it just wasn't where I was. I should have belonged. You know what I mean? It just wasn't for me".

Such generic negative sentiments may seem superficial, but they often are the expression of deeply unsettling experiences of school (Graham et al, 2015). They therefore have significant implications for the EJL staff, in working with the young person to discover an education pathway that is more positive for them.

Circumstances

A variety of difficult life circumstances outside of school can understandably impact on young people's engagement with school. It can be especially difficult for those young people whose families have matters before the Family division of the Children's Court. EJL case notes indicate young people may move around multiple times, perhaps being placed to live first with their mother, then their father, then grandparents – all in different suburbs or regions – and unsure how long they will stay in each house.

Similar situations arise with residential care. Young people can be moved often and be unsure of how long placements will be (Department of Human Services, 2014). Frequent moves between family/kin/foster households or residential facilities create conditions for educational disengagement:

School disruptions often result in children losing their place in the curriculum, repeating some curriculum components, whilst not receiving others. ... Moreover, changing schools may mean that friendships are lost and supportive teachers left behind, which may further reduce the chance of an individual's success" (Working Group on Education for Children and Young people in Out-of-Home Care, 2011, p.7).

Many young people facing difficult circumstances may be homeless, live in a home where no other family members get up and go to work or school, live in poverty, or live in over-crowded and chaotic households (Skattebol et al, 2012).

Mia explains her disengagement from school: "Mum couldn't be bothered getting me up to drop me off at school and stuff". Even with a caring parent, the hardships experienced within a family are likely to impact on a child's education (Skattebol et al, 2012) and may trigger a pathway to crime. Oliver's mother argues that a combination of factors linked to a lack of supports and networks in Australia (not her birth country), being a single mother, and racism directed at her as an African woman, impeded her ability to support her son when he was initially having difficulties, and was then excluded from school.

The research findings reflect reports by the Youth Parole Board (2014) and others that educational disengagement is common among young people who come before the Court.

It is important, however, to acknowledge that some young people had positive educational experiences. Thomas remembers at his daughter's primary school:

The principal there, he was excellent. He went the extra mile. We had some complications with her, and he always kept me informed. I believe he had a bit more, at times, he was more of a parent than a principal, which was great for ourselves. (Thomas – Parent)

From a student perspective, Oliver says his 'best school' was the one he had attended the longest (from Grade 5 to Year 9) out of the 5 schools he had attended so far. He explains this both in terms of positive relationships and academic achievement:

It was good with the teachers. I was getting As and Bs. The teachers liked me and they explained things well. ... It was a good place to actually go during the day and actually do something constructive with my time. And stay out of trouble. And I had friends there. (Oliver – Young Person)

EJI case notes provide two further examples:

Sam is a 16 year old who aspires to be a carpenter. He admits that he has had some trouble at mainstream schools in the past, which led to him to disengage completely in 2013. In 2014 he engaged with a Flexible Learning Program and completed his Foundation VCAL Certificate. This was a positive experience for Sam, but unfortunately the program closed at the end of 2014 and he therefore could not continue into Intermediate VCAL at that program. (EJI case notes)

Harry was referred to the Education Justice Initiative by a Magistrate of the Melbourne Children's Court when it came to light in Court that Harry had only been at school for one day this year. This was in June, towards the end of school term 2. The EJI met with Harry and discussed his education history and future aspirations. Previously Harry reported that he had been a "good student" with a great attendance record. These positive experiences ended due to a family breakdown in late 2014. (EJI case notes)

Both Sam's and Harry's story highlight the fragility of their lives, with changes in educational provision or family circumstances cutting short their positive experiences of school.

2.4 Young people's needs

For many young people the EJI team speaks with education is a high priority. The data about EJI clients presented in this chapter also offers glimpses of other support needs, and these are explicitly articulated by many Court, DHHS, DET and EJI staff. In particular, they focus on childhood trauma and family difficulties:

Often it's cross jurisdictional kids. So kids that are both in the family division and the criminal division of the Children's Court, things are not going well at home. ... I suppose often the stuff we'd say they need is unbelievable levels of support to keep them at home with families. ... a key concern is always those children living out of home. For us we're just seeing that it's a direct pathway towards criminal offending. (Legal Aid Lawyer)

A huge amount of trauma that affects our clients and their ability to engage in things. (Koorie Intensive Youth Justice Worker)

About 65% I think of young people were saying they had been a victim [of neglect, abuse or violence]. ... There's just disadvantage on so many levels, so it's a very clear and disturbing statistic for young people involved with the Youth Justice Service. (Assistant Director, Youth Justice)

Such experiences are personally concerning for the young people and also impact on the work of the EJI. The low educational attainment of young people in the criminal justice system is noted by several staff. This includes temporary absences or even leaving school altogether, often before completing Year 10. Such disconnection from school may be school-initiated (suspensions or exclusions). Often, it is related to learning difficulties and challenging life circumstances:

It starts from their learning and where they're at. You have to understand that these kids are the lower group, generally lower socio-economic and generally with learning difficulties. So their frustrations boil over when they're at school because they can see other kids doing it and they see that they can't and their frustrations get the better of them. (Senior Youth Justice Court Advice Officer)

The most troubling cases are young people, predominantly young men who have been out of school long term, haven't been to school for sometimes a year, sometimes a year and a half and that's due substantially to significant family issues, child protection issues, disrupted home environment, unstable accommodation, an overlay of substance abuse issues, perhaps some mental health issues We deal with a core group of young people who have repeat appearances in the Court, they often have parallel child protection proceedings, some might have intervention order proceedings, and they have very troubled and difficult lives. They're often at the stage where they need to be supervised by Youth Justice and they are needing lots of support and lots of assistance, and education is an important part of that. (Magistrate, Melbourne Children's Court)

The range of experiences outlined in this chapter form the context in which EJI staff aim to work with the young person, schools and Registered Training Organisations (RTOs), and the Court in order to re-engage young people with education.

3 THE WORK OF THE EJI

The Education Justice Initiative is a new strategy, building on work by the Youth Partnership Secretariat in the Department of Education and Early Childhood Development and by staff in the Court, Youth Justice and Parkville College. Many of its specific actions, however, had to be purposively designed and implemented, since there is no precedent for such work at the Melbourne Children's Court. An important component of the evaluation therefore was to gain insights into how the EJI works. This serves to inform ongoing development of the EJI itself, as well as other similar strategies nationally.

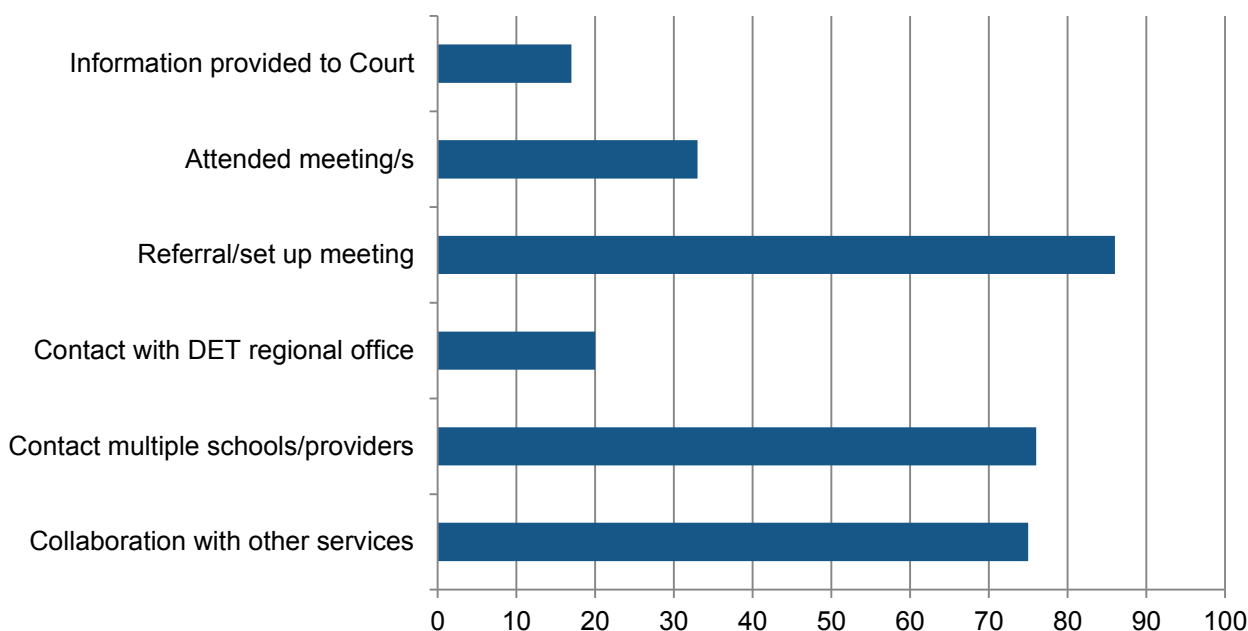
3.1 Overall processes and duration

For each young person, an iterative process of talking with the young person and working to secure an enrolment is undertaken by the EJI. The exact steps taken vary depending on both the young person's circumstances and the response of contacted education providers. Key EJI activities are:

- Identification: Through outreach or referral, identify young persons appearing in Court who are not attending and/or not enrolled in education or training.
- Liaison with young people: Speak with the young person and support services as appropriate about their education history, experiences of school, willingness to engage in education and preferences for school or other setting.
- Liaison with education providers: liaise with the young person's most recent or local neighbourhood school (or alternative setting as appropriate) to reconnect them with an education, and appropriate support services within the education system. Seek advice from schools/education settings on the engagement/progress of a young people who have been referred by Education Justice Initiative. Where appropriate, set up a re-engagement meeting for the young person at the school or other provider.
- Liaison with Court and DHHS staff: Provide information and advice to the Court and relevant services such as Youth Justice regarding possible education or training options for individual young people and about the education system more broadly.

For the majority of young people the EJI worked with, considerable effort was required to re-engage them with education. Figure 3.1 provides an overview of the range of activities the EJI undertook on behalf of the 68 full clients, with none of these actions having been performed for the whole cohort – either because some steps were not necessary for some young people, or because the EJI work with a young person is still in progress and has not yet reached the later steps.

Figure 3.1 EJI Activities (% , N=68)



Initially the EJI focus their efforts on meeting young people and identifying their need for support. Upon engaging a client the EJI must determine their situation. This often involves collaboration with other services such as Youth Justice or Child Protection (75%). The EJI would then contact education providers to determine the most suitable option. In 76% of cases this required contacting more than one education provider. In particularly complex circumstances the EJI would seek advice or assistance from the appropriate Department of Education regional office (20%).

Having determined all of the suitable education options available to the young person the EJI worker would present these to the young person and discuss them in detail. They may have many options or only one. Finally, with consent of the young person the EJI would contact the chosen education provider and arrange to set up a meeting (86%). In some cases where deemed necessary the EJI would attend this meeting (33%). If successful the meeting would facilitate an enrolment.

The EJI endeavours to stay in touch with the young person and follow up on how they are going and in some cases report to the Court on their attendance (17%). However there is limited capacity to follow up on a young person over an extended period of time, as new clients require EJI staff attention. Moreover, by this stage a young person may have been allocated a support worker from another service who can more efficiently play this role.

The current process of the EJI is to work with a young person until they no longer require or request further assistance to re-engage in education. As shown in Figures 3.2 and 3.3 the length of involvement can vary from a few weeks to many months. The decision to end involvement is currently made on a case by case basis. This allows for flexibility, but it could benefit from being more clearly defined in a documented process to enable for consistency.

Depending on the complexities involved the process can be quite quick and happen in a matter of days or conversely the process can be interrupted by any number of occurrences and not be resolved for many months. Some of these complexities include; a young person not being able to be contacted, a suitable education provider not being accessible, changing circumstances of the young person from moving house, being remanded to going missing. Below we provide two examples of young people: Kelly, who the EJI was able to support back into school very quickly, and Marko, whose situation was more complex².

Marko was referred to EJI in November 2014 by the Youth Justice Court Advice Service following his Court appearance. Marko was a Year 9 student but had not been in school for over three months. Before leaving school he has been suspended several times for fighting with other students. Marko explained that his school told him that if he got another suspension he would be expelled, so he stopped going. Since then, Marko had started a trial at The Island, but left after a few days because it was too far from where he lived.

Marko was unsure about what he wanted to do but thought he would like a hands on program that could lead to a career in carpentry. Over the six weeks following Marko's first meeting with EJI, an EJI staff member met with him several times both at Court and in the Parkville Youth Justice Centre where he was remanded following a breach of his bail conditions. They discussed a range of options for Marko to return to education.

Marko did not want to go to his local school because he knew some young people there who he felt would be bad influences on him. His preferred school was in a neighbouring suburb, however this school refused his enrolment as he did not live in their catchment area.

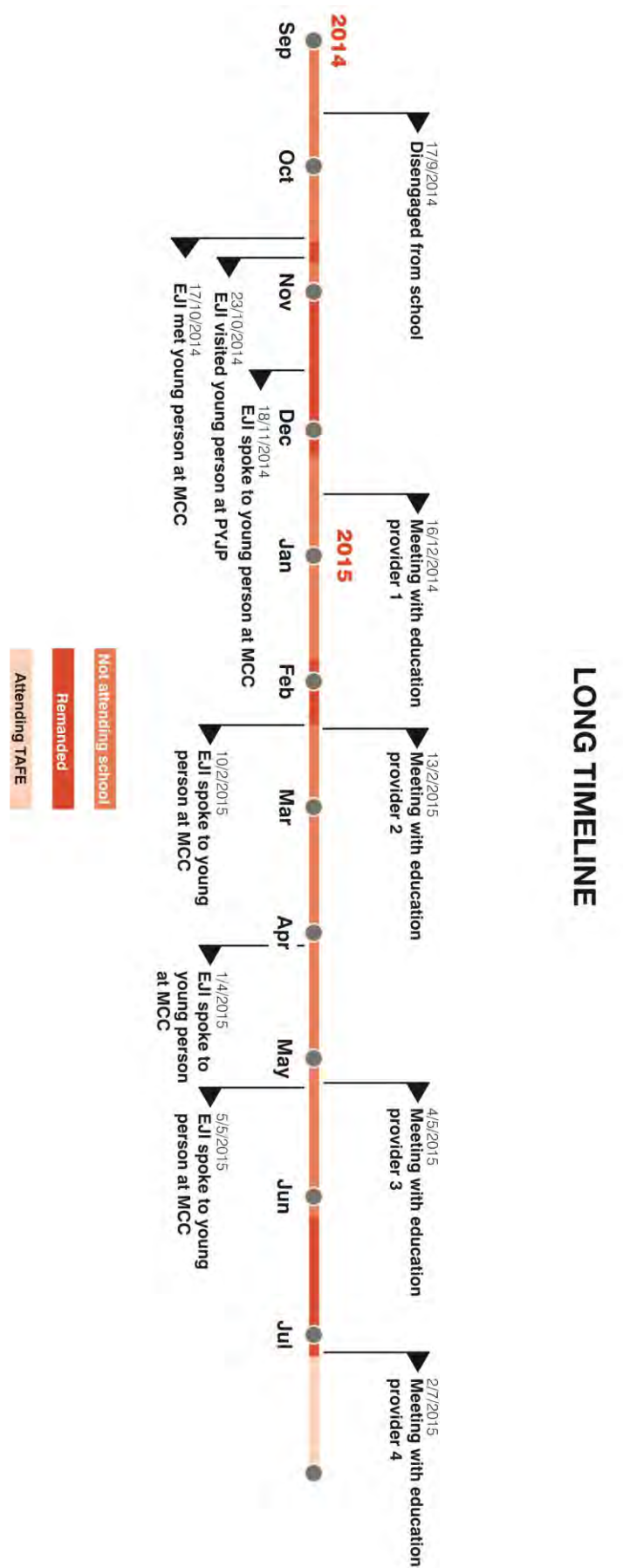
EJI set up a meeting for Marko at a technical high school where he could undertake VCAL and a carpentry course. Marko attended the meeting in December 2014 and expressed interest in attending, but had to be put on a waitlist for the 2015 intake as the program was already full. Marko was subsequently remanded on further charges early in 2015 and appeared at Court several times in the first quarter of the year, where he expressed that he had changed his mind about school and did not want to study at the moment. EJI maintained contact with him during this period, encouraging him to think about school and providing information on other options, including TAFE courses.

A turning point occurred in April, when the Magistrate in Marko's court case told him she wanted to see him engaging in education or training before she would finalise his sentence. Marko again discussed options with EJI, and decided he would like to do VCAL at TAFE. EJI facilitated an enrolment for the mid year intake, and negotiated a scholarship through TAFE to reduce the course fees. Marko attended the enrolment interview, and completed a literacy and numeracy assessment to help the TAFE know his learning level.

Prior to starting the course, Marko was remanded again for three weeks, but was bailed in time to start the course in July 2015. Marko's timeline is represented in Figure 3.2.

² All names of young people in this report are pseudonyms.

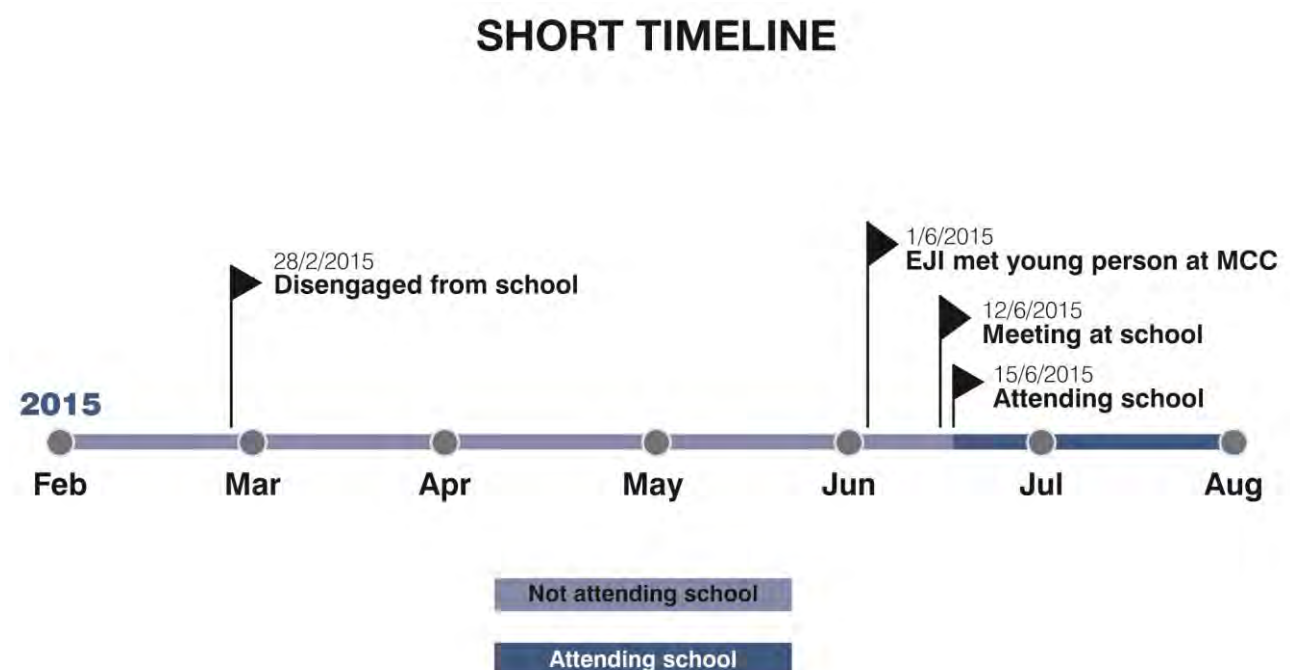
Figure 3.2 Example of a long timeline for re-engagement



Kelly was a 14 year old girl who was referred to the EJI in June 2015 by her legal representative. Kelly was repeating Year 8 due to poor attendance in the previous year, but had been disengaged and not attending school for most of term 1 and 2. Kelly reported that family issues were impacting on her ability to return to school. A referral had previously been made for Kelly to attend St Joseph's Flexible Learning Centre as an alternative option, but Kelly preferred to remain at her original high school. She was concerned, however, that she was not allowed to return there.

The EJI contacted the school and were able to arrange a meeting between the school, family and support workers within 2 weeks. At the meeting discussions took place regarding Kelly's previous attendance and behavioural issues as well as what the school would expect if Kelly was to return. A plan was put in place to support Kelly's return to school the following Monday. The EJI had continued contact with both Kelly and the school to support her transition back into school. The fact that Kelly remained enrolled as a student at her high school was the crucial factor in enabling Kelly to re-engage in education without lengthy delay. Kelly's timeline is represented in Figure 3.3.

Figure 3.3 Example of a short timeline for re-engagement



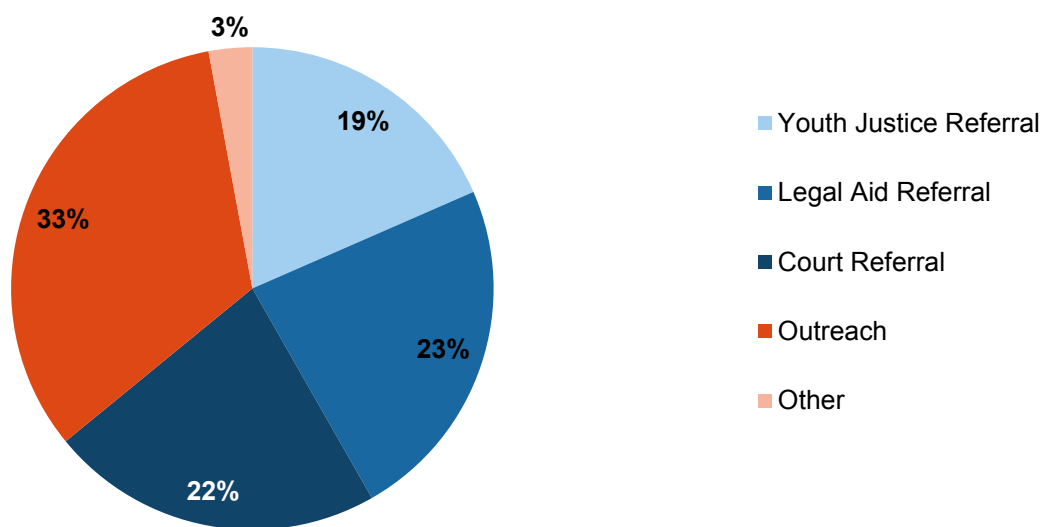
3.2 Identification

One of the main roles of the EJI workers is to meet and talk to young people in the criminal division of the Melbourne Children's Court. The EJI staff meet young people in a number of different ways from assertive outreach to referrals from other services (see Figure 3.4). Outreach involves approaching those in the waiting area, introducing ourselves and our role to offer to support young people to re-engage in education.

The EJI team also have built relationships with Legal Aid, Youth Justice and the Court so that when a young person identifies the need for support in education they are referred to the EJI. The EJI has developed a range of carefully thought-out strategies to meet and connect with as many young people as possible who may be in need of assistance with their education, in the busy and sometimes chaotic Court environment. An EJI staff member summarises the various approaches they use:

So it's a bit of an art not a science ... using all those different ways like being out in the waiting area, in Court, maybe speaking to a lawyer, maybe speaking to a Youth Justice worker to potentially get new clients in. Lawyers might bring them to our office even uninitiated by us. (EJI Staff)

Figure 3.4 Source of referrals to the EJI (% , N=103)



Walking around the Court, with the aim of talking to all of the young people who have a hearing that day, is an important strategy – as explained by EJI staff and recognised by Court staff:

I actually meet and greet the kids. Say hello, putting the hand of friendship out, mentioning who I am, what my role is here, Department of Education. ... if I can get that established, that rapport in a very short window of opportunity I think then from there conversation starts flowing and there's an easiness with the kids ... We're not probing into personal stuff about what their activities might be, we're just asking quite concise questions about their school and education. (EJI Staff)

So what we basically see is them moving around the floor of the Court, and generally just chatting to children and children have been taking really well to them, it must be said. I think they engage on a level, it seems where children don't feel confronted by it. (Legal Aid Lawyer)

Such work is complicated by the unpredictability of the Court, with the number of young people on the daily list varying from 5 to 50. An EJI staff member suggests that at times “it’s like an airport terminal” and another talks about the importance of a strategic approach in the midst of sometimes chaotic conditions. This is partly about “a systematic approach of how best to be able to at least shake every kid’s hand”. Using the Registrar’s lists and enrolment information (provided by the Victorian Curriculum and Assessment Authority VCAA) and drawn from the Victorian Student Register) allows staff to strategically look out for particular young people:

A red flag will be, say, the 14 year old who doesn't seem to be enrolled anywhere. We'll then make a mental note that that's someone we'll particularly try to have a chat to or find out a bit more about them on that day. (EJI Staff)

However, students may have stopped attending school, or been excluded from school, while remaining officially enrolled (see section 2.3). This means these enrolment records only alert EJI staff to some of the students who are disengaged from education. EJI staff explain that young people who are officially enrolled sometimes tell them “I haven’t been to school in two years”.

EJI staff make a point of visiting the young people who are in the holding cells of the Court. Oliver (young person) appreciated being visited and asked if he wanted support, responding: “Yes, it wasn’t working getting into a school on my own”. An EJI staff member points out that being held in the Court cells “is a really distressing period for them” and it is therefore important to make sure that “The kids going through the cells that aren’t sitting up on the [Court] floor are still being catered for and supported into education”.

Young people may also be referred to the EJI by Magistrates, as explained by a parent:

She [my daughter] breached the Court order and we had to go back to Court and I suppose ‘thank God’ the Magistrate was on to it and the Magistrate said “we’ve got this new program, it’s just started out. ... go and see them, this is what they may be able to offer and help”, so we did. (Thomas – Parent)

EJI staff themselves recognise the importance of this support from the Magistrates, pointing out: “that works really well, just because it has the weight of the Magistrate”. The Koori Court Officer (who works with Koorie young people in general, not just in the Koori Children’s Court) developed a routine of ‘touching base’ with EJI staff every day “and just give them the heads up of any Indigenous kids I knew that were coming into Court”. He explained that if he talked with a Koorie child first, he would ask if they were in school and introduce them to the dedicated EJI staff member for Koorie Student Engagement. Lawyers, youth justice workers or police prosecutors also refer young people.

Overall then, a comprehensive strategy for connecting with young people as well as strong collaborations with Court staff enables referral of young people who would benefit from the support of the EJI.

3.3 Liaison with young people

Young people themselves are at the centre of the way the EJI works. Direct work with and on behalf of young people who are ‘full clients’ (see section 2.1) involves talking with them about their previous education and preferences for re-engaging with education, as well researching education options for them, and talking with parents or guardians and with Youth Justice, lawyers and support workers. In addition, liaison also includes informal conversations and providing advice.

The ‘education’ office for the EJI – located centrally near the offices of Youth Justice and Legal Aid – acts as a welcoming space. Many young people will come into the office just to say ‘hi’ and use the whiteboard. This becomes something to do in otherwise what can be a very long day at Court. A Senior Youth Justice Court Advice Officer suggested that “they’re almost a focal point now with kids gravitating to them”. EJI members explain that offering “a safe place to come and chat” that is “really inviting and welcoming” means they build trust and connection. As a result, young people “are feeling more comfortable and being able to disclose things and talk to you”. This forms a foundation for EJI staff to talk to young people and encourage them to either continue or re-commence their education.

The EJI may also provide advice to a young person and/or support person who is not a client of the EJI. For example, if a young person knows where they want to go but do not need EJI help, the staff can provide them with the relevant name and phone number and check in on how it went when they are next in Court. In their work with young people around education, it is not uncommon for the EJI staff to realise the young person has other needs as well. In such cases the EJI can provide advice, for example in relation to services that provide support with drug and alcohol issues or housing (e.g. Youth Support and Advocacy Service, Frontyard Youth Services, Brotherhood of St Laurence) or in relation to specific interests such as music or cooking (e.g. Rising High, Dig Deep, Artful Dodgers, Living Music and STREAT hospitality experience).

The number of young people the EJI talks with varies on a daily basis, because the number of young people on the Registrar’s list can as few as 5 or more than 50. On days with fewer young people listed, EJI staff strategically use their time to engage less with outreach and advice, and more with following up with and on behalf of young people who are already EJI clients. Due to the nature of the Court process some young people attend Court multiple times, which allows EJI staff to become familiar with some young people. Even if a young person does not want assistance at the time of first contact EJI staff continue to speak with them on each appearance. This allows a young person to seek assistance when they are ready to do so.

For a young person who we’ve seen a few times, we know they’re not at school but they’re also not really wanting to talk about it. We might see them two months later and now they’re willing to have that chat and say “Oh, yes, I’ve kind of been thinking that I want to do something at school.” It’s like “Okay, well, let’s see what we can do”, and then we go from there. (EJI Staff)

When young people talk with an EJI staff member and identify they would like help to get back to education they can sign up to become a ‘full client’. EJI staff suggest that an important aspect of how they work, is that they don’t impose their service on young people: “offering it as ‘Here’s what I can help you with’ and them choosing to take that up”.

For some young people the process of getting them connected back to school is surprisingly simple and quick (see the example of Kelly in 3.1). They know what school they want to be at, and the EJI staff are able to use their role, their knowledge of DET policy, and their understanding of school processes to take steps towards enrolment. At times, it is simply a matter of “speaking with schools, going to a meeting” (EJI staff) to broker an enrolment for a young person into a school.

Oliver, for example, had some ideas about where he wanted to head, but after nearly two years not attending school and facing several barriers, he and his mother were at a loss. The EJI liaised with him first to access a flexible learning program for one term, before working to gain entry into the course he really wanted to do at his local TAFE college the following term.

The EJI staff are not case workers and do not have the capacity to regularly accompany young people to appointments to education providers. Whenever possible EJI aims to find someone else who can support the young person for such meetings. However, not all young people have a Youth Justice worker, case worker or parent/guardian who is able to take on this role. EJI staff recognise that for some young people, accompanying them is crucial to helping them get enrolled and be engaged in education. By coming along to a meeting, EJI staff can help a young person “feel a little bit more at ease and comfortable with the new experience that’s quite daunting”, know what questions to ask at the meeting, help complete forms, and have first-hand knowledge to facilitate follow up contact with the school.

In other cases, the EJI can help a young person fill out enrolment forms in the EJI office, using EJI equipment that young people may not have access to, such as a scanner to attach their previous school report to an application form to be submitted by email. Sometimes EJI staff are able to facilitate a fee subsidy, such as for Marko (see section 3.1). It should be noted, however, that fees for RTO and university courses, which the young person may not have the capacity to pay, do pose a concern for the EJI.

EJI staff talk about the difficulties of knowing what might be appropriate for a young person who has been out of school for a long time. In particular, it can be difficult to decide, for the EJI as well as for a school, which year level might be most suitable:

For instance, they’re 15 but they haven’t been at school since they were in Year 8. They don’t want to go back into Year 8 and schools generally also don’t want to have 15 year olds coming back in Year 8. They also try and group by age and promote people to the next years for social reasons as well as their academic level so it can be difficult to know in those cases exactly what’s the best thing to look at. (EJI Staff)

At times, helping young people to connect back into education can be slow and complicated, for a variety of reasons, generally related to the complex issues in the young person’s life. For example, simply staying in contact with a young person can prove difficult if they do not have a mobile phone, or have no money on it, or move house frequently. The strong relationships with other Court staff help out in such instances, for example the young person’s Youth Justice worker can let the EJI know when their client is in for a meeting. Persistence is essential – as Smyth et al (2010) put it: ‘Hanging in with kids in tough times’.

3.4 Liaison with Education Providers

The process of working with education providers starts with the conversation between the EJI and a young person. This leads to identification of their previous or current school, and of a school or RTO that a young person is interested in attending. EJI staff will also use the young person's address to determine their designated local 'neighbourhood' school. The latter has legal implications, as a neighbourhood school has certain obligations under Victorian Department of Education and Training (DET) policy: "Every student of compulsory school age has the right to attend a designated neighbourhood Victorian government school" (Department of Education and Training, Victoria, 2015c). It has turned out to be more complex than expected to decide the neighbourhood school for some young people. At times this is because a young person does not have a stable home address. However, EJI staff have also found that schools will sometimes indicate they are not the designated neighbourhood school, even if they seem to be the local school by simply looking at a map: "Sometimes we have to contact quite a few schools, or even Department of Education, just to get a better idea about what their local school is" (EJI staff).

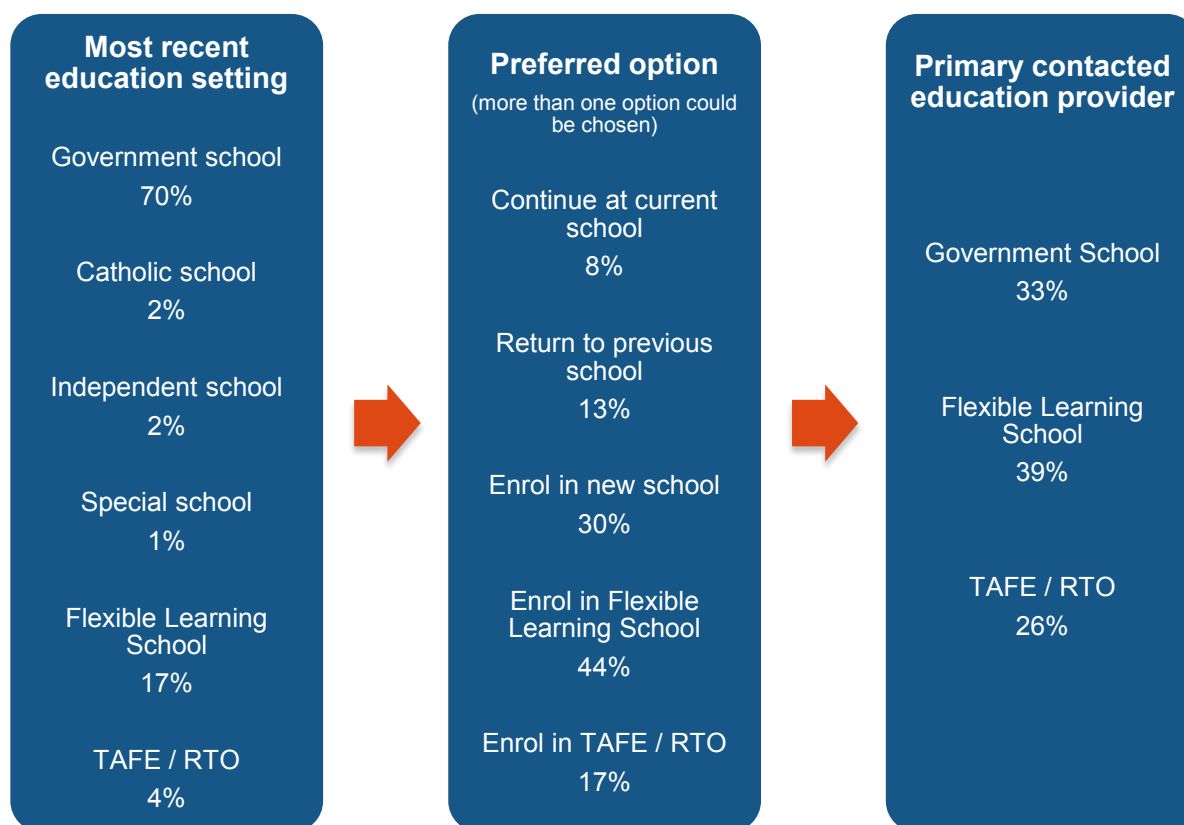
When an EJI staff member lets a school know they are the designated neighbourhood school, at times this leads to a collaborative effort by the school to re-engage the young person. This may lead to a relatively smooth transition into attending the school. Or the school may take on its responsibility to help broker access to a different provider for the young person. EJI staff emphasise they "are open to lots of different options" and don't necessarily want to force a school to enrol a particular young person because "we don't want to have a bad relationship with the schools".

EJI staff realise that they are "kind of almost cold calling the schools" and have found that "when we've gone out to schools, that's really helped. Because they would see us and put a face to the name, and we're able to give them a bit more information". As schools become more used to receiving phone calls from the EJI (especially in suburbs with many EJI clients, see section 2.2) they are better placed for working collaboratively with the EJI. In other instances, schools are less helpful, for example indicating that they are 'full':

They did say that 'yes, this is the school that he's zoned to and he should be able to come here'. But ... he wanted to do Year 11 VCAL, and they said 'No way that's full. The subjects that we have left for Year 11 with space are physics and advanced maths and French'. And obviously these were subjects that he wouldn't be able to do. (EJI Staff)

With the various names of previous and preferred schools and other education providers to hand, the EJI staff decide the best provider to contact. They may contact a previous school to gain information about the young person's previous academic achievement, attendance and wellbeing records that may be useful to re-engage them. If the young person does not want to return to this school, the EJI staff member contacts a new education provider to start the ball rolling.

Figure 3.5 Education settings (% , N=68)



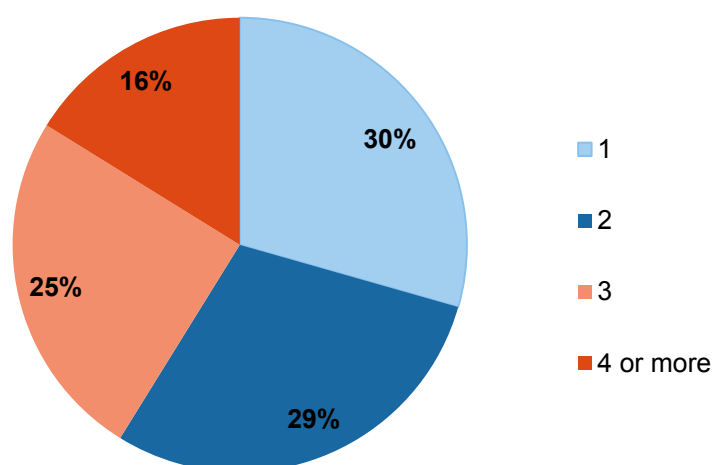
Of the EJI clients 70% had most recently been enrolled at a government school (see Figure 3.5). While some wished to continue at their current school or return to a previous school many wished to enrol in a new school. Therefore the EJI regularly contacted government schools either to re-engage the student or to assist their engagement elsewhere. Many young people wish to pursue an enrolment at either an alternative learning setting or a TAFE, often stating that they preferred a more flexible environment and they had negative experiences at mainstream schools in the past.

In the majority of cases the EJI would contact more than one education provider, and in 16% of cases 4 or more education providers were contacted (see Figure 3.6). This is due to the difficulty of finding an appropriate setting that has availability in the preferred program (see the comment on being 'full', previous page): "it really depends if they have what that young person is looking for. If they want to do foundation VCAL, do they offer it?" (EJI Staff).

The EJI found that the ease of contact with education providers varied greatly. Especially in larger providers, it can be time-consuming simply to make first contact with the appropriate member of staff:

Often we found that it's difficult to find out who exactly is the best person to speak to. Sometimes in a school it might be the enrolment officer, or the welfare officer, it might be the principal, or it might be an assistant principal, or head of senior or junior campus. ... Then actually getting on to them. We find we leave quite a lot of voicemail messages, follow-up with emails. (EJI Staff)

Figure 3.6 Number of education providers contacted (% , N=68)



EJI staff understand that senior staff in school are busy and have responsibility for many young people, so that returning a call about one potential student may not be their top priority. Nevertheless, this makes it difficult to “work out ‘What do we now try and do?’, whether it involves that school or it’s about looking at another school” and is a barrier “to getting things done perhaps as quickly as we would like” for the benefit of the young person – for whom engagement in education may be the catalyst for avoiding being remanded in custody and even for turning their life into a more positive direction.

In some instances, schools ask that their standard procedure, such as an online expression of interest, is followed before a meeting can be arranged. Such processes are useful for streamlining enrolment inquiries for the school, but may be difficult to comply with for some young people.

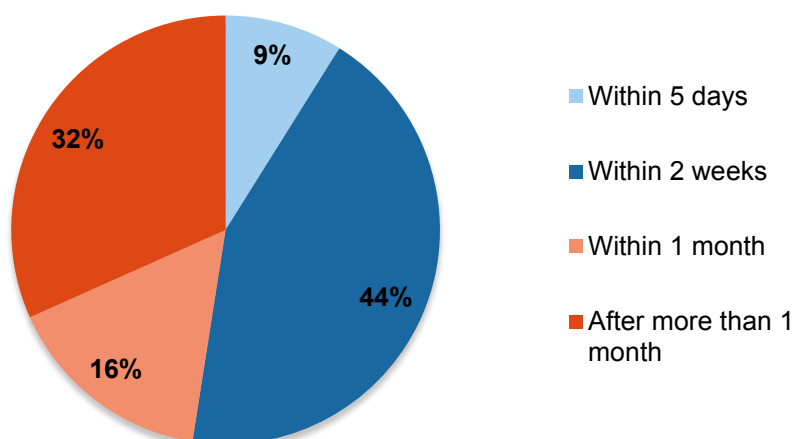
There's often an online application form. They need to submit their last report with it. The school won't talk about enrolment unless you put that in, and it needs a phone number and an email address ... they [the young person] might not have a phone number or email address ... and for some young people they might have been out of school for a year, so they won't have that report. (EJI Staff)

These difficulties are evident in the time taken to set up a re-engagement meeting for a young person with a school: for just over half this was achieved within a fortnight, but for one-third of young people it took more than a month (see Figure 3.7). Fortunately, government schools are beginning to become familiar with the EJI and the role it can play for achieving the vision of Victoria as the Education State for all children (Department of Education and Training, 2015a).

Several Magistrates take a keen interest in the schooling of young people who appear before them, and are highly supportive of the work of the EJI to facilitate enrolment in education. Sometimes the authority of the Children’s Court Magistrates can be drawn on to facilitate arranging a re-engagement meeting:

When you get it from the Bench we can use that when we talk to schools. ... They can stand a matter down and say “come back to me in two hours then I’ll make my decision”. I’m going to ring the school, and it’s kind of good: “look I’ve got two hours, the Magistrate has literally stood the case down. I need a meeting tomorrow”. (EJI Staff)

Figure 3.7 Time taken to set up first meeting from first contact (% , N=57)



Flexible learning settings are not only preferred by many young people (see Figure 3.5) but also in turn are welcoming of these young people:

We started by meeting with the workers that are running the [EJI] program and realised very quickly that we would be a good place for kids that turned up into Court that met their criteria, and that we could be a potential pathway for those students. (Pavilion School)

Although this school is very full and has a significant waiting list, they aim to give young people referred by EJI priority, since they are aware of the urgency of educational re-engagement for many young people who appear before the Children's Court. There are several other flexible learning programs that similarly are highly supportive of the work of the EJI and do all they can to enable the enrolment of young people referred by EJI staff.

A secondary component of work by the EJI with education providers is in terms of liaison with Parkville College, the school operating in all the Department of Health & Human Services (DHHS) secure services. Young people on remand or sentenced to a period in custody at the Parkville Youth Justice Precinct (PYJP) automatically are enrolled as students in Parkville College. Liaison of the EJI with Parkville College therefore is not about placing a young person with this education provider. Rather, the College has been acting as the administrator of the EJI.

The collaboration with Parkville College has been advantageous for a number of reasons. Firstly because the EJI workers are able to access PYJP easily through their affiliation with Parkville College. This means they can visit young people there, once they are remanded or sentenced, to continue discussions regarding education options. This is evident in the timeline for Marko, in section 3.1, which shows EJI staff meeting with Marko while he was on remand. The reverse also happens, with EJI staff first meeting a young person at PYJP, which builds a connection for them to work with that young person later. Such relationships are beneficial in the midst of the turmoil of being arrested, remanded and going to Court: "Even when this client was arrested and then was in the cells at Melbourne, [EJI worker] was able to go down and see him, and that's a familiar face" (Youth Justice).

Specialist Education Knowledge



One young person, Leon, I met through outreach wasn't in school and wanted to return. He had started in Year 12 VCAL at his local neighbourhood school in 2014 but had stopped attending in Term 1 and wanted to re-enrol for 2015. On the surface there weren't clear barriers about why he couldn't go back there - he didn't have a history of expulsion or behavioural problems – but when he'd tried to enrol himself he was told the school was full. Leon's Youth Justice worker had come up against similar barriers and wasn't sure what steps could be taken.

With consent from the young person I contacted the school principal. She raised concerns about Leon's attendance earlier in the year and also that he owed outstanding fees from a vocational program, but she agreed to meet with Leon to discuss these issues and the option of him returning.

I knew that the Department of Education and Training's parent payment policy clearly set out what the school could and couldn't charge students for, and also that non-payment of fees could not be used as a barrier to enrolment or re-enrolment. In the meeting with Leon, his mother, and Youth Justice worker and the school, I addressed these issues with the school principal, who ultimately agreed not to charge the fees and to enrol Leon.

That is an example of how having specific knowledge of DET policies and language is critical to advocating with schools. Leon and his YJ worker had been trying so hard to get him back to school, but without knowing where to find the DET parent payments policy or even that it existed, there was little they could do to question what the school was saying.

Leon started Year 12 in February and has been attending well for Terms 1 and 2, which is a terrific outcome. The YJ worker emailed me after the enrolment meeting to say that without the assistance of EJI, it may have been a different story in terms of Leon getting back to school.



(EJI Staff – edited excerpt)

3.5 Liaison with Court and DHHS staff

Collaboration with Court and DHHS (specifically Youth Justice) staff is an essential component of the work of the EJI. These staff have worked with young people in the criminal justice system for a long time, and therefore have much relevant expertise. In return, the EJI can also support their work and provide advice regarding possible education or training options for individual young people and about the education system more broadly.

From the start, the Children's Court leadership welcomed the EJI. They knew and felt keenly the need for support with education for the young people who appear before the Court, and worked closely with the EJI to support it to flourish. The success in getting the EJI up and running in a very short period was in no small part due to the close collaboration between the DET and the Court, especially a key EJI staff member and the General Manager, Operations and Strategy at the Children's Court. This involved crucial logistics, such as obtaining a room in the Court for the EJI and providing access to the Court Link database, as well as work by the latter on the Court's monitoring committee for the EJI project.

The EJI does a significant amount of daily planning, using lists and data from the Court systems, from Parkville Youth Detention Centre and from the VCAA, and also through liaising and gathering data by attending Court hearings. The starting point is the Registrar's list for that day, which provides essential information for the EJI. The Court has been supportive in working with the EJI, and helping them to access the data they need, but there are some challenges. For example, the EJI would prefer to know how many young people to expect on a given day, but the Court records individual matters rather than persons.

Every week EJI staff prepare a spread sheet with the names, gender and date of birth of young people on the Registrar's list, send that to the VCAA and in turn receive students' enrolment history: "we might have the last three schools they were enrolled at, and whether they've been exited, or whether they're still enrolled there" (EJI staff). Another useful data set comes from Parkville Youth Justice Centre, with EJI staff paying particular attention to those who have come into remand overnight, meaning they will have a court appearance on the day following day. Finally, talking with the Court Advisors for Youth Justice, Victorian Legal Aid lawyers and Victorian Aboriginal Legal Service sets the EJI up for working with and in the Court each day.

The EJI makes a particular effort to be involved in the Koori Court, attending most of the Melbourne, Heidelberg³ and Dandenong Koori Court sittings. During the 10 month period used for this report (September 2014 – June 2015) the Koori Court had 12 sitting days and heard 47 matters with 27 individual young people. The Koori Court is for young people who have pleaded guilty to a criminal offence. In the Koori Court everyone is seated around an oval table, including the Judge or Magistrate, young person, family member or support person, police prosecutor, lawyer, youth justice worker, Koori Court officer and two Elders or Respected Persons. This arrangement has symbolic significance as an EJI staff member explains: "everyone sits in a round circle, in a yarning circle capacity so no one's up there in a formal sense". Each person – including the young person – has an opportunity to speak. While the sentencing decision is made by the Judge or Magistrate, the Elders or Respected Persons can speak directly to the young person and provide cultural advice to the Judge/Magistrate.

³ Heidelberg Children's and Children's Koori Court were relocated to Melbourne Children's Court from February 2015 following flood damage to the Heidelberg Magistrates Court building..

The list of hearings for the Koori Court for a particular day is available some time in advance, which allows the EJI to prepare for each hearing. Due to the way that Koori Court operates, education can be discussed in every matter, with a clear role for the EJI staff member to contribute. The Melbourne Koori Court Officer and the EJI staff member for Koorie Student Engagement work particularly closely together. The former provides the list of young people, so that the latter can request their enrolment information from the VCAA and talk with the young person about their options. As a result, the EJI can “get up and advocate” on behalf of young people during the Koori Court hearing. In reverse, the EJI staff member provides written education reports for Koorie young people to the Court via the Koori Court Officer. The work of the EJI staff member for Koorie Student Engagement is facilitated by his own Indigenous background.

Support by the Magistrates for the EJI was important in its establishment. Significant efforts were made both by the EJI staff and by the then President of the Children’s Court to introduce the EJI to the Magistrates, explain how it works, and encourage Magistrates to make use of the option to direct young people to the EJI.

We had a meeting at the Court where the program was described to us and I think from the outset there’s been some very good descriptive material about the program. The staff involved have been very accessible to explain how the program works, its aims and the important role for the Court in initiating where possible referrals and identifying young people who are not linked in with education and have issues around participation in education. (Magistrate, Melbourne Children’s Court)

This kind of provision of information is ongoing because as Judge Couzens, then the President of the Children’s Court, explains: “people occasionally need to be reminded of this valuable resource”. Based on her extensive experience in the Court, the General Manager, Operations and Strategy, for the Children’s Court comments that “Court programs sort of live and die based on whether or not the Magistrates have confidence, and I think that was built quite early”. It is clear from Court staff comments that Magistrates are excited about the EJI and are talking about education more often during Court hearings. The then President of the Children’s Court points out that “we’re all aware of the need for them to get back into school”. Feedback directly from a Magistrate indicates that she finds working with the EJI operates smoothly:

I think the easy accessibility of the EJI staff has been instrumental in being able to make effective referrals and connect young people into EJI staff who can help them and size up the situation as it is on that day and map out some ongoing work that they can do. So there’s been really clear, good communication back, very responsive communication back even on the first day of referral about the scope of work that could be done with a young person. (Magistrate, Melbourne Children’s Court)

This Magistrate goes on to outline that she tends to stand a case down to enable “a conversation between the EJI officer and the young person and their lawyer”, thus creating the necessary time in the schedule of hearings for education to gain prominence. She further reinforces this by “saying to the young person about how interested I will be to find out how things are going for them” in terms of accessing school.

Most often if it is established in Court that the young person is not attending school the Magistrate will encourage them to speak to the EJI after their Court matter has finished. The EJI may also report directly to the Court how a client is going. When an EJI staff member attends a matter, the Magistrate may know they are working with the young people and ask for an update. Wherever possible, EJI staff aim to have a written report about education for a young person returning to Court for a subsequent hearing.

In addition to Magistrates, the EJI collaborates with all other legal professionals in the Court, including lawyers, Legal Aid and prosecutors. Legal Aid have contact with the majority of the young people attending the criminal division of the MCC. The EJI staff endeavour to make contact with the Legal Aid duty lawyer each day to discuss any possible referrals for the day. With so many different lawyers from different firms working with the young people, it is understood some will not be familiar with the EJI. Therefore EJI staff have established an approach “early in the day ... when kids start surrounding the foyer area we will talk to the lawyers and ask ‘who are you representing?’” (EJI staff). Especially for their full clients, who have given consent for the EJI to work on their behalf, EJI staff will then inform the lawyer of progress with educational engagement.

Legal Aid tend to refer to the EJI after they have spoken to their client but before their Court matter has been heard. This process works well as the EJI have time to establish a plan with the young person which can then be presented to the Court. Legal Aid staff agree with the EJI that an informal and non-pushy approach to referral works best:

Usually I tell my clients about the program and then see if they consent to me referring them to the program. If they do I usually try to keep it quite informal for the sake of the kids, because otherwise it can be a bit off-putting for them. I'll introduce them to the [EJI] workers, and if they're comfortable then they go ahead. (Legal Aid Lawyer)

Lawyers are also an important conduit for communicating to the Court the young person's engagement with education. This is of direct interest to the brief of lawyers working on behalf of young people, since educational engagement is a consideration by Magistrates in relation to bail and sentencing decisions.

In terms of the Department of Health and Human Services, the key liaison is with Youth Justice workers. The role of Youth Justice is:

Through supervision, offending related programs and linkages to appropriate support services, Youth Justice promotes opportunities for rehabilitation and contributes to the reduction of crime in the community. (Department of Human Services, 2013, p.1).

Youth Justice (YJ) workers engage with young people pre-sentencing, post-sentencing and post-release from custody. Working in conjunction with Youth Justice workers has been essential to the EJI. The Senior YJ Court Advice Officer supported the connection as well: “In the first three months every time a [YJ] worker turned up I took them across to say hello to [the EJI staff]. Introduced them”.

YJ workers often have established relationships and regular contact with their clients. This has significant benefit for the EJI staff, who have found that it is easier to ‘keep track’ of and follow up on the progress of a client by collaborating with Youth Justice. Being located in the same space in the Court has enabled informal liaison and advice, to “use that opportunity when we see them to update each other on what's going on with our mutual clients” (EJI staff). YJ workers interviewed all highlight that they value the knowledge and

understanding EJI staff have of DET guidelines and policies that education providers must follow and their proficiency in navigating the education space (also see chapter 4). As a result, the EJI can often provide advice to YJ workers on education issues, whether the young person is a full EJI client or not.

When I have been at Melbourne Children's Court, it's been great just to check in and go, "do you know anything about this?". Because of their wealth of knowledge about courses, and contacts as well within the TAFEs or with different organisations within the Department of Education. So they're able to directly help make those contacts or phone calls or organise things for us which has been really helpful. (Youth Justice)

Finally, a range of other services attend Court to support young people, such as: DHHS Child Protection workers, Residential Care case managers, Youth Support + Advocacy Service (YSAS), Berry Street, Whitelion, Bert Williams Aboriginal Youth Services (BWAYS), and Jesuit Social Services (JSS). The EJI works with these services to provide support and advice regarding education issues for their clients, explaining to such agencies that the EJI is interested in supporting their work, and is not in competition:

I think they feel comfortable in working with us. We just keep it purely professional based on saying "I don't know how much involvement you've had with school and education in the work you've done from your agency? We're here to complement that. We're not here to take over". We're working towards the same purpose which is connectedness and engagement back in school and education and learning. (EJI staff)

3.6 Summing up

This chapter has outlined the way the EJI has operated in its first year. As an innovative pilot program, EJI staff had to develop strategies upfront and adjust these in response to the practices and expectations of young people, the Court and education providers. The processes described here are likely to continue to evolve as the EJI is extended to continue its work. The agility of EJI staff in making changes where needed, as well as the collaborative relationships between EJI, DET, DHHS and Court staff are essential to ensuring the EJI delivers the value and outcomes outlined in the next chapter.

4 THE VALUE OF THE EJI

The EJI's stated aim is "to connect young people appearing before the Melbourne Children's Court (Criminal Division) or Children's Koori Court to an appropriate, supported education pathway through liaison and advocacy with schools and training providers, and engagement with relevant DET staff" (Education Justice Initiative, 2015). This chapter first examines evidence of the extent to which this aim is being achieved, and the challenges EJI clients and staff face in working towards educational re-connection. In addition, the research established that the value of the EJI extends beyond achievements in relation to its core aim, as outlined in section 4.2. Finally, section 4.3 reviews suggestions from stakeholders for taking the work of the EJI into the future.

4.1 Connecting young people with education

For the cohort of 103 young people the EJI has actively worked with, the starting point is that:

100% of these young people expressed their willingness to engage with education.

Within this cohort, for a group of 35 young people EJI involvement has been put on hold due to circumstances (e.g. inability to contact the young person). The evidence presented here therefore focuses on the group of 68 full clients who the EJI is actively supporting to connect and engage with education.

As a first step towards enrolment, EJI staff access enrolment information (provided by the VCAA based on the Victorian Student Register) to determine the young person's education history and last school. In addition, they explore education options near the young person's current home, including their designated neighbourhood school. The importance of the specialised knowledge that the EJI brings is frequently highlighted by Court and DHHS staff. For young people, this means that the EJI can provide individualised advice, finding the education provider most appropriate for a specific young person, and knowing the practical steps to take to get him or her enrolled.

I think the other benefit is the EJI officers have a level of knowledge about school options and that means that they are much more equipped to match the young person with suitable school, and any process that's going to mean a young person is more likely to be successful at returning to school just strengthens their chances for pursuing their education. ... I think the critical thing is the very real and practical, immediate assistance and the very tailored approach and liaison within the education system. (Magistrate, Melbourne Children's Court)

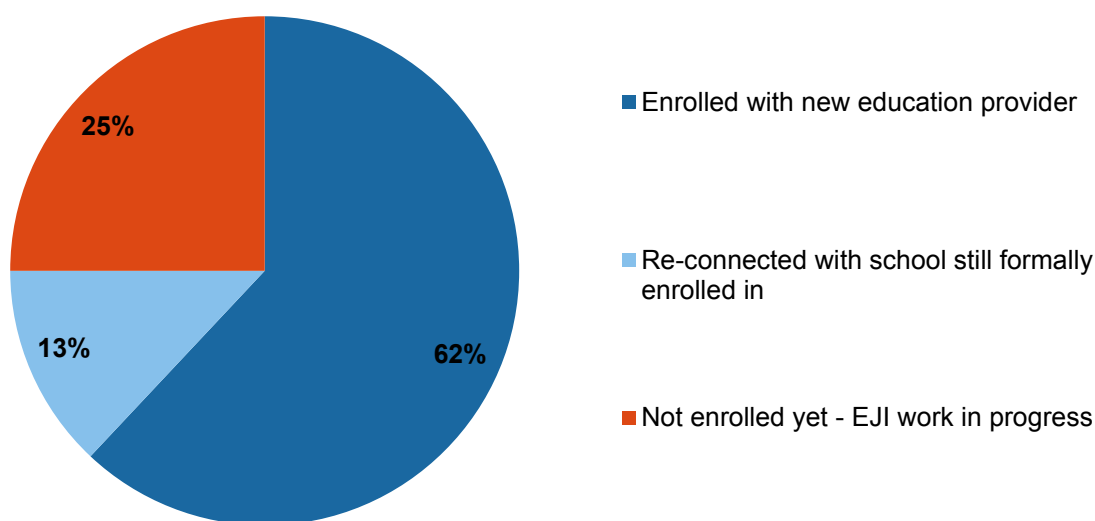
As explained in section 3.4, EJI staff will contact one or more education providers, and once a suitable provider has been determined they set up a meeting between the provider and young person to explore options for enrolment. In most cases to date this has been a new education setting, rather than a return to the young person's former school or setting. Although half of the young people were formally enrolled in a school when the EJI first met with them, in many cases they had not attended there for many months and relatively few wanted to re-engage with that school.

Figure 4.1 shows that of the 68 full clients of the EJI over the period 1 September 2014 to 30 June 2015:

75% were successfully re-connected with education, mostly in a new setting.

For the remaining quarter of young people EJI work was in progress. Re-connection with education was yet to be secured for these clients, for example because they had only recently been referred to EJI, because they had been remanded in custody, or because liaison with education providers was proving to be complex (see section 3.4).

Figure 4.1 Outcomes of the EJI intervention (% , N=68)



For the 68 full clients, at the end of data collection (30 June 2015) the EJI had set up re-engagement meetings with a school or other education provider for 55 young people. The key role these meetings play in securing re-connection is evident in the finding that within one month of the meeting, 84% of young people were enrolled either at that education provider or elsewhere.

Court and DHHS staff recognise that achieving these outcomes is a remarkable achievement, in the context of the young person's previous experiences with education, and the reluctance from some schools to welcome and include them:

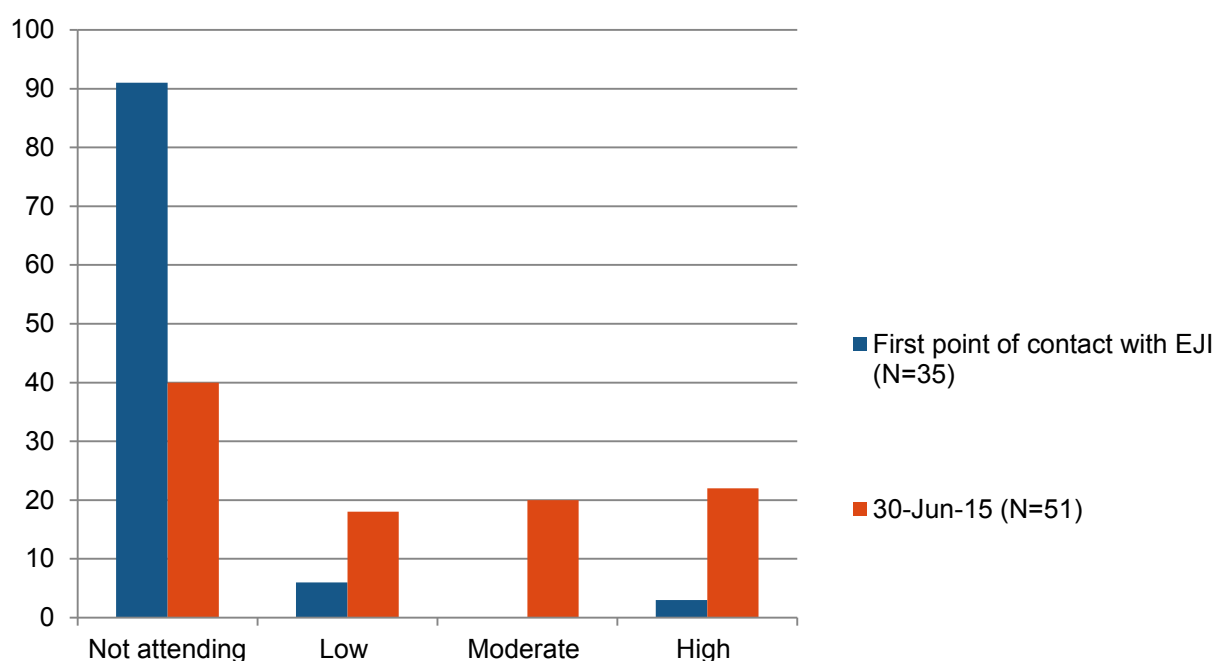
Some of them have dropped out, some haven't been to school for a long time. Education or training is one of the hardest things to get these kids back in to. (Senior Case Manager, Youth Justice)

I have a strong sense of very good work being done to assist young people getting back into school. I have to say the reality is with the group of young people that we're dealing with, that not 100 per cent of referrals are going to work but most of the time young people are having great opportunities to get back into school. (Magistrate)

Figure 4.2 further highlights the difference the EJI has made between the young person's first point of contact with the EJI compared with their status at the end of data collection for the research, on 30 June 2015⁴. The diagram shows the level of attendance of those young people within the cohort of 68 full EJI clients who were enrolled in schooling or training: that is 35 young people at first point of contact and 51 at 30 June. The diagram shows that more than half of the enrolled young people are attending by 30 June 2015, and this includes almost a quarter (22%) who have high attendance. In other words:

Not only has the proportion of the 68 full clients with a formal enrolment increased from 51% to 75% during the period that EJI worked with them, but their enrolment is more worthwhile, with the proportion of enrolled young people actually attending increasing from 9% to 54%.

Figure 4.2 Change in attendance among full EJI clients who were enrolled in education or training (%)



For these young people, the significance of being engaged with learning is tremendous. Oliver had not attended school for two years prior to his involvement with EJI. His mother Charlotte commented:

It was a big deal, getting himself to school, one hour on public transport, after not going for two years. He went most days. The program had a positive impact on him and a big change even at home. He could see himself doing something. (Charlotte – Parent)

Mia's father Thomas was similarly pleased after the EJI had enabled his daughter to enrol in the local high school: "I'm proud of her in that way that she's going to school every day". Mia's own reflections reinforce that the result has been genuine engagement and learning:

⁴ The first point of contact with the EJI may have occurred anytime between September 2014 and early June 2015, and therefore the amount of time between that occurrence and the end of data collection (30 June 2015) varies between young people.

Sports, art, apparently I'm doing very good in. Apparently I've got a lot of talent for art, according to my art teacher which is awesome. She's my favourite teacher. What else? I like my maths, I'm catching up on it slowly. Because I've missed out on a lot of schooling especially when I went to Z school, I only did four weeks of schooling for the whole year, to be quite honest. ... I was one of those kids that's, 'Nah, I don't care about school' and stuff. But then when I came to this school, this is actually the only proper work that I've done in my whole life, to be quite honest. ... When I get along with a teacher and she's like 'Come on Mia, do your work', I'll do it. I'm 'Yeah Miss, I'm doing it'. And I'll do it and I feel proud of myself that I'm doing it. (Mia – Young Person)

All three of the students interviewed for the project reported feeling very positive about the education experiences that had been facilitated by the EJI. This is obvious in Mia's quote above. For Oliver during his time at a flexible learning centre he experienced being motivated to go to school and enjoying feeling productive. At the time of the interview he only needed to submit some final documentation in order to complete his enrolment for the next term in a TAFE course. Lucas also reported feeling really buoyed by having experienced learning that he enjoyed, perhaps for the first time. Such transformations were also witnessed by Court staff:

I know of a few cases where you know, kids were disengaged from school for a couple of years and EJI staff re-engaged them. And to me, you can't actually put a value on that. ... Just seeing the pride when they go back to school, that's the main thing that I've seen from these kids when they go back to school, the pride and the self-worth. They feel as though 'I'm doing something for myself' and it's just brilliant, just seeing the smiles on their faces. And not only that, you can see the confidence when they come back in, you know, because they've been at school and they're learning how to read and write again. ... You think to yourself 'when I saw you six weeks ago or eight weeks ago and you weren't in school, you can just see the difference'. They stand 10 foot taller. (Koori Court Officer)

Another example comes from an EJI staff member, about a young person who was keen to engage with school, but whose life was chaotic, including moving in and out of Parkville Youth Justice Precinct and moving house frequently. Eventually, the EJI set up a meeting for him at his local neighbourhood school, which he, his mother and the EJI staff member attended. Shortly afterwards: "I spoke to his YJ worker who said that he had finally come to his appointment and he turned up in his school uniform. So that felt like a good moment, a good thing to celebrate" (EJI Staff).

The immediate impact for young people is often in terms of their wellbeing, pride and self-esteem, as highlighted above, but education also fosters skills and knowledge that they can put to good use: "being able to read a book when they've never been able to read a book, being able to write a resume when they would never have imagined they would have the capacity to do that" (Magistrate).

However, Figure 4.2 also shows that attendance continues to be of concern for a significant proportion of young people, requiring ongoing support from the school or training provider. Some of these young people had not attended school for a long time and the transition to a new daily routine may take time:

Some of them have dropped out, some haven't been to school for a long time. Education or training is one of the hardest things to get these kids back in to. (Senior Case Manager, Youth Justice)

Moreover, life challenges (such as family issues, mental illness, poverty and their Court matter) do not disappear once they start school. For example young people in Out Of Home Care may move to a different carer or residential unit, and no longer be able to attend the school the EJI had connected them with. Nevertheless, simply being enrolled in school is itself an important outcome for these young people, since without this there can be no possibility of attendance and learning.

4.2 Further value and benefits

Connecting young people with education is the primary aim of the EJI and was therefore the first touchstone for determining the value of the EJI. In addition, however, based on the interviews with all stakeholders the research demonstrates further benefits brought about by the implementation of the EJI. First, there is strong agreement that the specialist education expertise of the EJI fills an important gap for all stakeholders. Second, the specific approach of the EJI team means that this gap is filled in a way that is accessible and collaborative, which enhances the impact of the initiative. Third, the EJI has raised the profile and reputation of education within the Court and for young people and parents. Finally, although it is too early to have hard evidence for this, stakeholders connect the work of the EJI with expected impacts on diversion of young people away from detention and from future crime.

4.2.1 Filling an important gap

In considering the outcomes achieved by the EJI as outlined in section 4.1 above, it is useful to ask the counterfactual question: would these outcomes have been achieved anyway, without requiring the EJI? Both comments by young people and parents as well as by Court and Youth Justice staff insist the answer is 'no'. The strong impression from all interviews is that the EJI has filled a crucial gap in support and has already proven essential for achieving educational engagement.

Young people and parents

EJI staff argue that many young people they speak with “are really wanting to go to school, but they just literally don't know where to go or they don't know how to do it”. One of the interviewed young people, Lucas, told us that he has difficulties learning, and eventually stopped attending school when repeating Year 10, because it became “too much” for him. While he said he had some ideas about what he wanted to do, it was difficult for him to “take it further” without external support. The EJI assisted him move his ideas to reality and get into a short course in building and construction. Mia was supported by the EJI to enrol in her local government high school and Oliver was supported to enrol in a flexible learning centre for one term, and then into his preferred TAFE course starting semester 2, 2015. Mia's father Thomas and Oliver's mother Charlotte both are adamant that these outcomes (and the resultant positive educational experiences, see section 4.1) would not have occurred without the support of the EJI. Charlotte explains that “previously I was just given phone numbers to call”. She recalls that because she was looking to enrol Oliver in a non-local government school, in every phone call she made, she was “asked to recount my life story. It was really painful. Eventually I said no, I've had enough”. At first, she explains, she was not convinced that the EJI staff would be able to help:

*I was cynical when the EJI staff person approached me. Many people have told me good stories and it didn't work. The EJI person came to the school interview and to X TAFE, and had contact afterwards to see how it was going. It was a very big help for me.
(Charlotte – Parent)*

Unlike Charlotte, Thomas wanted to enrol his child in the local school. Like Charlotte, however, he became frustrated because he was not having any success. His experience is disconcerting, given Thomas had evidence both from the DET and from personal experience that 'X College' was Mia's local school.

I personally spoke to the principal at X College and they were just giving me all this waffle. She's not in the zone, and this and that. They didn't care whether she was in school or not, and for me that was disturbing because I knew that that was the closest school to our residence.

[Interviewer: So you'd already been trying to get her in?]

I was. For two weeks, and they just kept going back and forth. I actually even rang up the Education Board [the DET]. I can't quite remember the lady's name, but I have written it down, and not even she was able to help ... She was the one who informed me that X College was 1.6 kilometres, Y was 1.8, the other school was 2.2, so I already had a ballpark figure that it was guaranteed what they call the closest ... The ironic thing is that my two boys actually went to X College as well, so that's where I was a little bit more dumbfounded, because I thought, well, they were residing here as well. How could now all of a sudden, we weren't the right residential area?! (Thomas – Parent)

In contrast, Thomas recounts that when Mia and he agreed for the EJI to act on their behalf, there was no 'jargon' and Mia was enrolled at her local school (X College) very quickly: "two or three days later, bang. 'This is where I'm at and this is what I'm doing' and then before you knew it, in one week, she was getting her uniform". Echoing the comments from these parents above, this Youth Justice worker describes how the EJI can be very supportive, not just for young people, but also for their parents.

For a lot of parents, once a child has been suspended or expelled from school, the parents just don't know what to do and schools are not very helpful, I've found. Some schools will pass on a name or a number of another school and say, 'here, ring them', and then that'll be it. And sometimes, getting past the reception at a school to talk to the right person is really difficult. I'm from the Department of Health & Human Services and I find it difficult to get past reception sometimes. (Senior Case Manager, Youth Justice)

Staff from the Children's Court and Youth Justice

Court and Youth Justice interviewees were explicitly asked if they saw any need for a service such as the Education Justice Initiative. Their emphatic and passionate responses speak both the challenges of supporting young people who appear before the Court in general and back into education in particular, and of the very positive contributions that the EJI is making.

I can tell you that from my many, many, many years of experience there is [a need for an Education Justice Initiative]. These young people involved in this system are very vulnerable. They present with a lot of complexity and challenges. Their behaviour is challenging. They're not necessarily in a good stage of their life, and the impact of difficult childhood experiences is coming to the fore as well. We need all the players to be in there to turn things around. ... And so we need education to do education's work really. Youth Justice can do the challenging offending behaviour and the work around rehabilitation. Most of these young people do present with a very complex array of issues and we need the experts within each system to assist. (Assistant Director, Youth Justice)

The significant impact and positive presence of the EJI in the Melbourne Children's Court in general was noted by a variety of Court staff, some of whom initially had doubts. For example, a Legal Aid Lawyer explains that they had wondered whether the EJI would be "an extra service for often over-serviced children, who don't want another caseworker". She concludes, however, that "some of the original concerns we had about, 'is this going to get utilised properly?', haven't come to fruition. It's been great". Similarly, a senior YJ worker was won over:

[Interviewer: Do you think there is a need for the Education Justice Initiative?]

I probably didn't before it started, I have to be really honest about that. I probably didn't think that it would be of a great advantage to the YJ kids because we already had YJ workers. I wasn't aware that they were struggling to get information about the education and what was happening with kids, getting real answers. Whereas the guys down there [points to EJI office] they've not only got the answers but they also have solutions. (Senior Youth Justice Court Advice Officer)

Other Court staff had been aware that education was "such a gap for us, but I don't think any of us could really articulate what role we wanted education to play" (Statewide General Manager, Operations and Strategy, Children's Court). As a Magistrate points out, "the law provides that we promote education for the young person" and that in "decision making principles for sentencing, pursuing education is a critical factor". However, acting on these principles had been hindered by a lack of information prior to the EJI:

The Magistrates were always saying 'Well I know what's going on with his offending life because I've got the police here. Youth Justice can tell me about any drug, alcohol, mental health issues because they've done a quick assessment'. But the education really falls on the police or the Youth Justice staff to talk about and it's not their area. (Statewide General Manager, Operations and Strategy, Children's Court)

The Education Justice Initiative makes such a big difference to us, because that's often a feature that's missing in their lives, and traditionally it's been quite hard to agitate for change in that department. (Legal Aid Lawyer)

Similar views were expressed by Youth Justice staff. Youth Justice is part of the Department of Health and Human Services that offers support programs and case management for young people in the youth justice system in Victoria. Their work includes pre-sentencing, pre-release, transition and post-release support programs to reduce the risk of re-offending (Department of Human Services, 2013). On top of all those roles, Youth Justice also had the task (prior to the EJI) of trying to enrol a young person in a suitable education option: "I used to do all that, so I used to ring the schools, I used to ring everyone and I would get nowhere" (Senior Case Manager, Youth Justice). Youth Justice (YJ) staff note the difference the EJI has made:

It has highlighted what we weren't doing. Because I think probably a lot of YJ staff thought that they were trying to achieve educational outcomes for young people. ... When I spoke to the Court advice staff that was one of their comments, that a lot of workers probably thought they had done all they could on the education front and with varying levels of success. Whereas I think having access to this initiative has really highlighted what can be achieved. (Assistant Director, Youth Justice)

The high workload of YJ workers reduced their capacity to achieve educational outcomes. They agree that the EJI is “able to actually take the load off us in some sense” (Koorie Intensive Youth Justice Worker) and “takes a lot of pressure off me to find somewhere suitable for these young people to go” (Senior Case Manager, Youth Justice). The holistic approach of Youth Justice, working with a wide range of the young person’s needs, also means that education is one of several balls they juggle. EJI staff acknowledge that for YJ and other DHHS case workers, education may not be the top priority: “Maybe the emphasis back then was residential housing, the priority might have been drugs and alcohol”.

Most emphatically, however, Youth Justice staff highlight the benefit of the specialist expertise that the EJI staff bring. As a vital starting point, as employees of the DET the EJI staff have “access to the department’s records” (Senior Case Manager, Youth Justice) so that the education status of a young person can be ascertained:

Having the EJI there now gives us a one stop shop that we can go to. Just to find out what the [enrolment] status is for a start, what the correct status is. The kids will tell us they’ve been expelled or kicked out but it may not be the case. So at least we can get to the first base so we know what we’re dealing with. (Senior Youth Justice Court Advice Officer)

Following this, the EJI staff also have extensive knowledge about a variety of education options and of the steps to be taken towards enrolling a young person. If the young person is a full client of the EJI, then EJI staff will work directly with them while keeping the YJ worker informed. If not, then the EJI staff can provide advice to the YJ worker.

The EJI workers have the networks and the contacts and the knowledge. It’s easier to sit down with the young person and them, and talk about what is best, what they would like and the options and then they are able to work out what’s available. Plus they’ve come up with ideas that are under that service or that program is available, or how that works. (Senior Case Manager, Youth Justice)

Summing up the view of many Court and YJ staff, Judge Couzens (then President of the Children’s Court) declared: “We’ve been crying out for this presence for as long as I can remember, it’s so crucial”.

Supporting schools

Finally, the EJI also fills a gap for the DET by working directly with schools: helping schools to meet their obligations if they are a young person’s neighbourhood school, as well as supporting schools with the processes for enrolling a young person whose life circumstances may make the usual procedures difficult. Schools, as well as young people, benefit from the fact that the EJI staff “understand how to navigate around the system ... We understand the kind of jargon language, the policies, the processes” (EJI Staff). Although some schools have proven reticent to enrol young people the EJI works with, others are very open to welcoming these young people but looking for advice:

People that are decision makers in schools, Principals and APs [Assistant Principals] and Enrolment or Welfare Coordinators, are actually seeing these kids as being really important. That they can turn their lives around if they’re given the opportunity and the right supports, and to have that conversation at the school level with supports about the plan and the way forward. (EJI Staff)

Support from the EJI is appreciated by school staff: “having people that do a lot of the following up for you and have that information ready to go, and are easy to deal with, then that’s really fantastic” (Pavilion School). During conversations with a school EJI staff also sometimes note that the school already had “tried a lot of things” and in such instances the school can get “affirmed” that they did all they could. As Bernstein (1977) put it many years ago: ‘Education cannot compensate for society’. One EJI staff member hopes that the Initiative can also support the “bigger picture goal to make the education system work better with the justice system to be accountable for these kids”.

4.2.2 The right approach

As is evident from the findings presented in section 4.2.1 above, various stakeholders strongly agree that “It’s been great to have the Department of Education at the table with these young people” (Assistant Director, Youth Justice). However, it has not simply been a matter of a mere presence – of education taking a seat at the table. Rather the specific approach taken by the EJI has enhanced the benefits that this presence provides.

Beyond working with full clients to connect them to education, EJI staff have also taken on more general advice and advocacy roles. Knowing that the DET has staff in the Court who will support them, provide advice and answer questions about schooling is re-assuring for young people and parents, even if they do not need the EJI to help with enrolment.

You’re better off if you’re well informed. Anybody is. And if you know your rights, then you’re more able to act on that in the future, even if you don’t act on it that day. (Pavilion School).

I think the access that the EJI officers have to the Education Department and the capacity of the EJI officers to advocate and negotiate within the education setting directly with school principals is very powerful. ... The young person might have parents who are just not able to assist them and they do not have an advocate, they do not have someone who can assist them to navigate access and re-entry to education. So this is what this program does. (Magistrate, Melbourne Children’s Court)

Moreover, the friendly nature of EJI interactions with young people creates benefits. Judge Couzens (then President of the Children’s Court) refers to this as a “pastoral” aspect and that “if they do come back to Court it’s a common face, they recognise the people”. This is particularly valuable because the Court is a stressful place for young people:

Potentially at one of their most vulnerable times, when they’re experiencing a great deal of stress and uncertainty in their life and they are confronted with Court proceedings, they have warm, welcoming, respectful individuals from the Education Department who are saying “We are here today by your side and we are going to assist you to get your life on track”. (EJI Staff)

For young people, the way in which support for educational engagement is provided is essential. Being (and feeling) respected and listened to are fundamental: “actually listen to what the kids have go to say” (Koori Court Officer). EJI staff recognise this, agreeing that young people “really want someone to listen to them, what they’ve got to say, and value what they say”. Thomas (a parent) was impressed with the demeanour of the EJI staff member who helped his daughter Mia enrol in her local school:

It's just one person who really does their job and I believe is very passionate about what they are doing ... actually gets things done, and informs you ... didn't carry on and jargon on ... just said it how it was. (Thomas – Parent)

Other stakeholders agree that the EJI's success relies very much on the characteristics of the EJI staff, commenting that they "have a very good manner with young people and I think that makes a huge difference" (Legal Aid Lawyer) and that the EJI is "culturally sensitive as well" (Pavilion School). This applies not only in relation to young people and parents, but also within the Court. The approaches taken by the EJI staff have enhanced secured their position in the Court and enhanced their effectiveness: "They've earned the respect of the Magistrates who will often refer to them now in open Court ... they've become a real part of the team" (Senior Youth Justice Court Advice Officer).

Moreover, the EJI has provided lawyers and Magistrates with a practical and easily accessible conduit for acting on their inherent interest in the educational opportunities for the young people they deal with: "we now have quite a direct access point" (Legal Aid Lawyers). A Koorie Intensive Youth Justice Worker also highlights the way the EJI staff member for Koorie Student Engagement is able to contact a client's school to gain relevant educational information quickly: "straight away give the court the information that they really needed to hear". For this YJ worker, it is also of benefit to have access to the dedicated EJI staff member for Koorie Student Engagement, who often already knows the young person and/or their family and is able to talk with the YJ worker about "positive experiences with this client". A Magistrate also values the way the EJI works directly within the Court:

It's often the case that I'd be saying to them 'I'm very interested in how you are spending your day. I want to know what you want to do. Do you want to go back to school, do you need to do some vocational training? What are your plans?'. Mostly, depending on how old these young people are, they'll be saying they want to get back to their education, they need support. This is where the EJI program is fantastic because it provides an immediate opportunity for starting that conversation, putting in place some realistic plans and opening up some options that these young people mightn't have had. (Magistrate, Melbourne Children's Court)

In general, YJ workers comment that the EJI staff are persistent, helpful, friendly, and easy to work with, for example commenting that "Whatever it is, nothing's too big or too small for the guys over there" (Senior Youth Justice Court Advice Officer) and "the way they operate I find very user-friendly, the door's always open" (Senior Case Manager, Youth Justice).

Many of these young people are not necessarily kids that are easy to like and so there can be a lot of push-back at a school. There just appears to be a strong commitment to following through and really advocating for a chance for these young people. (Assistant Director, Youth Justice)

Summing up, the way an intervention such as the EJI is set up (where it is located, processes for collaboration) as well as characteristics of the staff employed (not just their expertise and skills, but also their communication style, cultural sensitivity, helpfulness and persistence) are central to its success.

Persistence with Young People pays off



Sixteen year old Jordan appeared at Court in February 2015 on car theft charges, and was referred to the Education Justice Initiative by his lawyer as he had left school 18 months ago when he was in Year 9.

Jordan told me his employment agency (through Centrelink) had placed him in a bricklaying short course but he didn't like it and wanted to return to school – he didn't really care which one. Aside from the employment agency, Jordan didn't have any adults supporting him. He was at a friend's house as his father had passed away and mother was living interstate.

Following my initial meeting with Jordan, I contacted his previous schools and learned that he had a history of poor attendance, had struggled in class and had also been expelled twice for aggressive behaviour incidents. Given his prior school history and interrupted education, and his goal of becoming a carpenter I thought a flexible learning centre (FLC) offering the Victorian Certificate of Applied Learning could be a good option.

Jordan was initially keen on this idea, but said he wanted to wait for his Court matters to be sorted before looking into it further. I encouraged him to visit the FLC to see if it was a good fit and offered to go with him, but then was unable to reach him by phone for several weeks to set up a meeting. I eventually got in touch with him through his lawyer and we went to visit the FLC. Jordan was quiet throughout the tour and afterwards said he was unsure if he wanted to enrol at the FLC but when I called him three days later he'd made up his mind to start there in Term 2. As Jordan didn't have any other adults to help him complete all the enrolment paperwork, I met up with him at his local library to help him with this.

Jordan didn't attend the first week of Term 2 and was again uncontactable, but in week two he showed up for class and since then has attended most weeks. His teacher at the FLC reports that Jordan has very low literacy and numeracy, but he works hard in class. Jordan is also linked with the FLC's social worker for extra support. It took almost three months from first meeting Jordan to him starting in an education program, which I'd say is not uncommon, especially when a young person has been out of school so long and has a lot going on in their life. But I think Jordan's story shows the importance of persisting.



(EJI Staff, edited excerpt)

4.2.3 Reputation of education

A specific benefit of the EJI for the Victorian Department of Education and Training (DET) is an enhanced reputation with the Court, DHHS, and young people's families. The investment of effort, funding and personnel into the EJI is taken as testimony that the DET cares about improving the educational outcomes of these young people and is ready to take on its share of the responsibility for making that happen.

It's a very strong presence of symbolic leadership and cultural leadership at the Courts. That in itself is a huge victory, that people see that their education department has an active presence, not just sitting in an office but they're out on the floor meeting with children and families. (EJI Staff)

It shows that the department or the system is taking them seriously. (DET staff member)

For some young people and their family, the result is a more positive perception of education and new hope for the future: for example: "Aboriginal families ... may look differently on education and they may think there is an education pathway because of this" (DET staff member).

Moreover, the visible presence of the DET in the Court has the potential of "raising the role of education for all Court users" (EJI Staff) and has "created a greater partnership at a higher level between the Court and the Department" (Statewide General Manager, Operations and Strategy, Children's Court). An EJI staff member locates the benefit of bringing "sectors or areas together that traditionally might not work closely together" in terms of the vulnerability of the young people and the recognition across government agencies for the need for an integrated approach that includes education.

4.2.4 Diversion from detention and from crime

Finally, the EJI has the potential of providing benefits in terms of diversion. In the short term, this means possibly diverting young people from being remanded in custody. In the longer term, it is about rehabilitation and reducing recidivism. Both would represent a significant financial saving to the government of Victoria, as well as improved wellbeing for the young people and their communities. Given the short time since the inception of the EJI, no hard evidence can be provided yet regarding the impact of the EJI on these two types of diversion. Stakeholders, however, provide some initial perceptions.

In the short term, having education in place can make the difference between a young person being remanded or not. EJI staff are aware that Magistrates take education enrolment into account "especially if the young person is in Parkville, but they're applying for bail". A lawyer and Magistrate confirm this:

Our core focus is diverting young people out of the justice system, and so we see this [the EJI] as key and complimentary to that. (Legal Aid Lawyers)

There's probably just one point I'd make and that is discreet benefit. For young people who are in a precarious situation of whether or not they're going to get bail, the potential for them to be linked in and going to school in some cases might tip the balance around whether they are detained at Parkville or whether they're released into the community. So the program and its access to schooling in some cases might mean that a young person is released from detention and that's an incredible benefit. (Magistrate)

Such decisions confirm the high value Court staff place on education as a potential circuit breaker for young people. An EJI staff member uses the metaphor of a “fork in the road”, with education offering a more positive pathway that “increases their opportunities rather than reduces them”. A Magistrate emphasises that “we need to support their rights to access education” and that “the overall object is their rehabilitation and making sure that they can be diverted from the criminal justice system”. Educational engagement is seen by many interviewees as a short and long-term solution:

If a young person is out there offending, it's often because there's not a lot happening during the day for them. ... They get suspended from school and then there's nothing keeping them supported, and so then things just spiral and get worse and worse. (Legal Aid Lawyer)

We know that having a program, a day program, is really critical to avoiding or reducing the risk of re-offending so let-alone the impact that education and training can have on long term life opportunities. Just being busy and engaged has many benefits around the young person's self-esteem, their connection with positive peers, their just feelings of personal achievement and just being more integrated and contributing to society. (Assistant Director, Youth Justice)

A Koorie Intensive Youth Justice Worker agrees that “education and training is a massive protective factor for our clients”. Research confirms that enhanced educational engagement is correlated with reduced recidivism (France et al, 2013; McLaren, 2003; Reid, 2009; Vacca, 2004). In turn, this means reduced financial and social costs for individuals and society.

It makes a very real difference and I think it's an amazing program and I think it does extremely good work and the benefits are not just short term but they are really long term societal benefits. It's work that's really in the public good, not just the individual good of the young person, but the gains I think are incredible. (Magistrate, Melbourne Children's Court)

I don't talk about expenditure, I talk about investments. I think everyone knows from the publicity that appears from time to time, the cost of incarcerating either adults or children is huge. So the more you can do, particularly with young people, to rehabilitate them, the fewer will graduate into adult crime and the less the community will have to pay, it's simple. (Judge Couzens – previous President, Children's Court of Victoria)

As much as it's about the individual kids, it's actually not about them. It's about how do we try to put a stop to the kids coming back, sort of stop a future crime occurring by having this kid who is 13 not become the one at 23 who is going to really cause you problems and cost you a fortune. (EJI Staff)

Knowing the outcomes for kids as well as I do, that are not at school and don't have a dedicated school, then that's a problem. You just have to look at patterns of offending and the protective factors around being at school to know that it's important to have that, and if that can be a safety net, then that's all of our responsibility in society. (Pavillion School)

Being connected with education thus can deliver both immediate and longer term positive outcomes for the young people who have been supported by the EJI.

4.3 Taking the work of the EJI into the future

Enthusiasm for the EJI project was expressed not only as praise for the project, but also in terms of broad thinking about what else is needed for these young people, and how it might be achieved through expansion of the EJI, strategic collaborations, and policy development. The depth of experience of the Court and education staff interviewed for this project, resulted in a range of suggestions discussed first specifically relating to the EJI, and then in terms of collaborations between various stakeholders.

4.3.1 Suggestions for the EJI

As part of interviews, stakeholders were explicitly invited to make suggestions for what else should be done, or how the EJI might work differently. Unsurprisingly, many suggestions related directly to the EJI, and the majority of these were to extend the initiative. The fact that stakeholders see so much value in the EJI that they wish to extend it further reinforces the previous sections in this chapter regarding the value of and successful outcomes from the EJI. Everyone interviewed for this research strongly expressed their opinion that they wanted to see the EJI continue and that, at the very least, the EJI pilot project should be extended.

Beyond merely continuing the existing initiative, however, many stakeholders wished to see it expand. Firstly, this was conceived of in terms of geography: “my only idea would be is if the resources were available to extend it to the other Courts” (Senior Case Manager, Youth Justice). Many people similarly argued that the EJI should be expanded to Courts across Victoria. This highlighted by the President of the Children’s Court:

It is my firm belief that programs such as these are the way forward and the Court will continue to actively seek out opportunities to develop and provide programs and services that can make a direct and meaningful intervention in the lives of young people. I hope to see not only that the EJI continues at Melbourne Children’s Court but that it is expanded to all venues throughout the State. (Judge Chambers, current President of the Children’s Court of Victoria)

For many interviewees, the EJI had proved to be of clear benefit to young people and they were therefore concerned that other young people should not be “missing out on that extra support from such a project” (Youth Justice). Several people saw this as a matter of equity:

We end up with different levels of service and different offerings, depending on where a young person lives, and that disparity has never sat comfortably. (General Manager, Operations and Strategy, Children’s Court)

In response to a question about what else the EJI could do, a staff member from Pavilion School suggested, only partly tongue in cheek: “Cloning themselves and being in every regional office of the Department of Education”. Since cloning is not an option, and understanding that no program – however successful – can be simplistically transplanted into other settings, stakeholders argued for the need to carefully plan for such expansion, requiring “serious consideration about how it could be replicated to other Courts” (Assistant Director, Youth Justice). A lawyer cautions that: “We wouldn’t want it to spread at the cost of dilution of these great skills” but also enthuses that “we would find it unbelievably helpful and exciting really if it was available

everywhere". There is a general sense that the EJI can serve as an example and inspiration for similar collaborations elsewhere.

I don't think we'd get a replication of the current program, but perhaps a Central coordination role, or something else that would facilitate the education and Court relationship. There might be really good things happening in local areas, but if the Court and the education people in those local areas aren't interacting, then the Magistrates wouldn't know what they've got on their doorsteps. ... I don't think everything would necessarily work as it does here. We're quite a high volume Court compared to some of the others. But in terms of testing how the two organisations can work together I think we've done that, and I think we probably could take something from that, even if it was just increasing the profile of the Court in Education and vice versa. (General Manager, Operations and Strategy, Children's Court)

EJI staff themselves point out that there are already some useful DET initiatives in other parts of the state (also see section 1.2), and therefore agree with the concept of central coordination. They do not advocate simply "rolling EJI out" but rather connecting with similar programs and ensuring a state wide approach.

Secondly, expansion was proposed beyond the criminal division of the Children's Court to the family division. This was something that Court staff were keen on, especially as a preventative measure. Court staff have observed, often over many years, that many children in child protection cases in the family division, are already disengaged from school, and all too often later end up in the criminal division. A Magistrate notes:

These are young people who are actually really vulnerable, vulnerable and at risk of getting into trouble with the criminal justice system. I know the program at this stage is formally allocated to the criminal division, but I think there are some opportunities to do even some greater preventative work with adolescents who are appearing in the family division of our Court as well. (Magistrate)

EJI staff agree with this assessment of need, and suggest that the main reason they are not working across both divisions is simply their limited capacity, with only three staff members. Similarly, suggestions that the EJI staff engage more actively in young people's meetings at schools as well as follow-up after enrolment, and in the transition to education for young people leaving Parkville Youth Justice Precinct, were seen as constructive and valuable but not feasible within the current workload.

4.3.2 Collaboration among stakeholders

The EJI is positioned at the intersection between education, youth justice and youth services. It is not surprising, therefore, that looking towards the future our informants also referred to these linkages. Within the Melbourne Children's Court, both Court and EJI staff refer to the need to keep investing in building relationships, ongoing communication and informing new staff, especially given there are frequently new lawyers, Youth Justice workers and Magistrates who may be unaware of the EJI and its role.

In return, EJI and school staff would benefit from improved information about the Court, since for outsiders it can seem at times that "the Court process itself is convoluted" and "it's just a matter of us understanding the system is complicated" (EJI staff). The option of a more targeted approach between the EJI and the Court is raised, bringing several young people considered in need of support for educational engagement to the Court on the same day:

It really works in other jurisdictions when you target. ... if we knew we had eight cases, 12 cases you could get a lot done then. ... If you're smart you'd run the case and then run the care plan meeting straight after it inside the room with child protection, youth justice, get the school to come out. ... I think education gives it a really nice way of bringing everyone together, outside of an adversarial system. (EJI Staff)

As the EJI becomes more established both DET and EJI staff look towards greater clarity “within our department about who's the right person to talk to within the regions, relative to central, relative to the school” (EJI staff). In addition, EJI staff would like an agreement between the DET, DHHS and the Court on “information sharing around the young people's offences” by EJI staff with a school a young person would like to attend, in recognition of a school's “duty of care to that young person but also to all the other children at the school”.

At the moment there's not specific advice, at least in anything that I've come across on the youth justice side or in the Department of Education, around what should be passed on, when, what shouldn't be. Because also there's the confidentiality of the young person, there are some things that schools don't need to know either. Where do those decisions lie, what's the policy and what's good practice, which might be a step above what the policy says. I think we'd need some more dedicated work between the departments, and potentially even the Court as well to look at what those sorts of system changes might need to be. (EJI Staff)

Another EJI staff member highlighted that “What we're doing at the moment, day to day, is more working on the individual cases that we come across but we are seeing some systemic issues at play as well.

Addressing the latter, various ideas were floated by EJI staff for more coordinated approaches, such as:

- Working with clusters of schools in a local area, to share responsibility and generate a coordinated approach to educating young people who have come through the youth justice system, and to educational inclusion of all young people more generally. This could involve “our central department having responsibility for all children across the state” supported by “particular people in the regions that would be strong advocates” (EJI Staff).
- A partnering agreement between DET and DHHS “around education for young people who are in the youth justice system” (EJI Staff) similar to the existing agreement between these departments in relation to children in Out Of Home Care (OOHC) (Victorian Government 2011).

Overall, the need for integration and coordination of services was highlighted because “kids have so many key workers and departmental people and agencies and stakeholders involved” (EJI Staff) and “the problem itself is much bigger than what we might be addressing here at this Court” and requires “some bigger picture solutions” (EJI Staff) involving collaboration between several government departments.

A senior Court officer sees this as especially important for preventing young people formally entering the criminal justice system:

We watch with interest what happens with this pilot, and then thinking about what we do with diversion more broadly. Because you can't have a diversion program that looks at mental health and drugs and does some family conferencing and everything, if the education is missing and vice versa. ... Maybe if we caught the group that are coming to the attention of the police and the police can have a pathway through a service like this, they would never graduate to the Court. If we're saying that disengagement from education is a huge factor in offending, why don't we get them earlier? (General Manager, Operations and Strategy, Children's Court)

The Assistant Director Youth Justice agrees with the importance of “a whole of government response to these children” and suggests that this would lead to “huge savings certainly for that young person but for the future, for their children”. She also argues: “we really need to also think about how it [the EJI] integrates with the continuum of services that's available” and to make sure that “we do the navigating” rather than expecting young people to do that themselves.

A DET staff member laments the loss of the national Youth Connections program, which had been very successful at linking young people back into education and training (see Dandolo Partners, 2014): “now that we're getting into six months out of it not existing, it's becoming more and more evident of how much it was needed”. This gap has also been noted by the Victorian government. As part of its response to the ‘Education State’ consultations, the DET will launch a pilot program titled Navigator in 2016 which “will draw on evidence from the former Youth Connections program” in order to “support the most disengaged young people in the state to get back on the education path and achieve their potential” (Department of Education and Training, 2015b).

Final stakeholder thoughts

“Me, my mum and [EJI staff member] went to a meeting at the school and then went to TAFE, applying for a course there. They proposed going to [flexible learning centre] for a term, while I was waiting for the TAFE course. Going there helped me with getting back into a regular routine for sleeping. I was motivated to go, I liked it. I went there without my mum having to push me. ... Just an hour ago, [EJI staff] helped me enrol for the course at TAFE. They gave me the extra push to actually go there. The EJI were a really good help to get into school. Without them I wouldn’t have gotten into any school.”

(Young Person)

“We’d actually really notice the gap now if it wasn’t there. Yes, it would be a really sad thing if it didn’t extend. We would wholeheartedly endorse it continuing.”

(Legal Aid Lawyer)

“From a personal point of view in the last seven months, the EJI is one of the most inspiring and brilliant things I’ve ever seen. ... I think this should be ongoing. I have seen other programs that have been funded that don’t do 10% of the work that these people are doing, in terms of re-engaging kids back to school.”

(Koori Court Officer)

“You can’t take it away. I wasn’t sure that it was going to be a needed service and I’m happy to be wrong. They’ve been a great asset to the Court. I couldn’t think to lose them now.”

(Senior Youth Justice Court Advice Officer)

5 CONCLUSIONS

5.1 Summing up

Drawing on a detailed data set for 103 EJI clients, EJI case notes and reflections by EJI staff, and interviews with 23 stakeholders, this research has provided insights into the background of EJI clients, the ways in which the EJI works, and the value and benefits the EJI has delivered in its first year.

First, the research has demonstrated that young people in the criminal division of the Melbourne Children's Court do need support for re-connecting with and enrolling in education.

These young people have often experienced significant personal and social adversity. Of particular relevance are findings in relation to their prior education experiences:

- 75% of the EJI clients were of compulsory school or participation age (i.e. age 12-16)
- 27% of these 12-16 year olds were not enrolled in any education setting at the start of EJI involvement.
- 43% of clients of all ages who were enrolled in an education setting at that time, had not attended a single day in the previous month.
- 38% of clients of all ages had been out of school for more than six months.
- Self-reported reasons for disengaging from school highlight behavioural issues, conflict with peers, poor attendance, and family difficulties.

Second, all four aspects of the EJI work are vital activities: identification of potential EJI clients as well as liaison with the young person, education providers, and Court and DHHS staff.

- Identification of potential clients involved active outreach by EJI staff on the floor of the Court (33%), as well as referral by the Court (22%), Legal Aid (23%), and Youth Justice (19%).
- Direct work with and on behalf of young people involves listening to young people and their families, researching education options for young people, and providing advice. The length of EJI involvement with an individual full client can vary from a few weeks to many months.
- As part of liaison with education providers, the EJI identifies the young person's previous or current school and (usually) of a different school or RTO that a young person is interested in attending. In the majority of cases the EJI contacts more than one education provider and often establishing contact is time consuming. This is evident in the time taken to set up a re-engagement meeting for a young person with a school: for just over half this was achieved within a fortnight, but for one-third of young people it took more than a month.
- Collaboration with Court and DHHS (specifically Youth Justice) staff is very much reciprocal, with the EJI being able to provide advice regarding possible education options and about the education system more broadly, as well as benefiting from the expertise of these staff. The EJI made a particular effort to attend sittings in the Koori Court.

Finally, the Education Justice Initiative already has brought substantial value for young people and their families, as well as for the stakeholders organisations: the Children's Court, DHHS and Youth Justice, and the DET.

- 100% of the cohort of 103 EJI clients expressed their willingness to engage with education.
- 75% of the 68 full clients were successfully re-connected with education, mostly in a new setting.
- During the period that EJI worked with them, the proportion of the 68 full clients with a formal enrolment increased from 51% to 75%.
- Over the same period, the proportion of young people who were enrolled who also actually attended increased from 9% to 54%.
- These outcomes depend on the work of the EJI. It is highly unlikely that such outcomes would have been achieved without the EJI because young people, parents, and Youth Justice and other workers do not have the necessary specialist knowledge about education providers, policies and procedures.
- The specific approach taken by the EJI has enhanced the benefits that they provide, particularly in terms of being easily accessible and approachable for young people, families, Court and Youth Justice staff, as well as the commitment and cultural sensitivity of the EJI staff.
- The EJI has raised the profile of education with the Court, DHHS, and young people's families.
- There are some anecdotal indications that the work of the EJI has the potential of providing benefits in terms of diverting young people from being remanded in or sentenced to detention as well as, in the longer term, improving rehabilitation and reducing recidivism.

5.2 Recommendations

The key message from the research is that the EJI fulfils a vital service within the Children's Court, most importantly for young people, but also for the Court, Youth Justice and the DET. In its first year, the EJI has established productive processes for working with all its stakeholders and secured education's seat at the table. Throughout this report, however, some complications in the work of the EJI have been outlined, and the final section of Chapter 4 details suggestions by various stakeholders for the future of the EJI. The research leads to the following recommendations:

1. That the Education Justice Initiative be supported to continue its work within the criminal division of the Melbourne Children's Court and the Koori Courts.
2. That EJI staff document their operating procedures in a practice manual or similar document.
3. That EJI, DET, Court, and Youth Justice staff continue to collaborate re. communication with new staff, processes, and availability of information, to further enhance the effectiveness of the EJI.
4. That options are explored for extending the EJI into the family division of the Melbourne Children's Court.
5. That consideration be given to how EJI can work with the Navigator initiative to be established by DET as part of the Education State agenda.
6. That expertise and practices in existing similar initiatives across Victoria are shared, and that options are explored for establishing such an initiative in areas where none exists.
7. That evidence continues to be gathered in relation to the outcomes achieved by the EJI for young people and other stakeholders, including in relation to diversion and rehabilitation.

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